WHITE PAPER

PRIORITIES AND MECHANISMS FOR ADVANCEMENT OF THE COOPERATION BETWEEN THE CIVIL SOCIETY ORGANIZATIONS AND THE MEDIA FOR AN EFFECTIVE PROTECTION OF HUMAN RIGHTS

"Strengthening cooperation between CSOs and media for pursuing human rights and freedom of expression"

MACEDONIAN ——— MEDIA
INSTITUTE FOR ———

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WHITE PAPER

Priorities and mechanisms for advancement of the cooperation between the civil society organizations and the media for an effective protection of human rights

FOREWORD - RATIONALE

The issues of cooperation between CSOs and the media have been cited numerous times in recent years, but despite this, no substantial progress is being noticed in the relations between the two sectors. The main objective of this White paper is to go one step further - not only to identify problems in the cooperation between the two sectors, but to pinpoint also the ways to enhance and intensify that cooperation, with the aim to promote and advance human rights. Through a brief description of the situation and the priorities in six specific areas of human rights - civil and political rights, rights of women, Roma and other ethnic communities, marginalized groups (people with disabilities and members of the LGBT population), youth and digital rights – the document aims to encourage the mechanisms of intercommunication and inter-cooperation between CSOs and the media and thus provide greater visibility and influence of CSOs among the public.

The paper covers only some aspects of the broad field of human rights, which were determined in accordance with the categorization of organizations that have responded to the MIM's Public Call to participate in the project. This document was produced with the assistance of a group of experts from civil society organizations and the media, who have made available their expertise and knowledge. Representatives from the following NGOs assisted at different stages of production of this document: *Helsinki Committee for Human Rights of the Republic of Macedonia*, *National Council for Gender Equality* (NCGE), *Open Gate - "La Strada", Open the windows*, *Metamorphosis Foundation*, *Health Education and Research Association – HERA, KHAM, Multiculture, Community Media Development Centre MEDIUM, Centre for Freedom - Civil*, as well as journalists and editors from TV Alfa, Nova Makedonija and Diversity media.

The White Paper should serve as another tool of participatory democracy, because in the process of its preparation we tended to provide greater inclusion of the civic sector. The ultimate goal of the White Paper and this project is to provide that the respect for human rights becomes an imperative of the civil society and the civic activism in Macedonia.

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CHAPTER

INTRODUCTION

I.1. THE COOPERATION BETWEEN THE CIVIL SOCIETY ORGANIZATIONS AND THE MEDIA

The cooperation between the civil society organizations and the media is essential for socio-economic development of countries, especially in societies that seek greater democratization, like ours is.[1] Both sectors have a key role in balancing the power of the ruling structures by creating pressure for greater transparency and accountability, as well as promoting public interest and good governance. Both, civil society organizations and the media should have an integrative role in the societies that feature diversity on many grounds, which will promote positive values and tolerance. Therefore, the need for enduring dialogue, cooperation and trust in the relations between all three sectors – the civil society, the media and the government becomes a necessity in a democratic society.

Despite the large number of civil society organizations in Macedonia (about 4,700 in 2012), one may say that a limited number, i.e. scarcely 100 are actively present in the media. The reasons for the low media visibility of CSOs and the unsatisfactory level of communication are multiple (see Annex 1 of the White Paper). Members of the civic sector and of the media describe the cooperation as insufficiently functional and often politicised, while both sectors are criticizing each other for the unsystematic approach to topics, unwillingness and inconsistency in relations, respectively passiveness in the promotion or imposition of topics. Additionally, radical changes in information technologies and in the ways of communication in the past ten years, as well as the globalization processes have contributed to the complexity, but also to the greater dynamism in the relations between the civil society organizations and the media on global as well as national level.

Areas of human rights and media interlink at two points. On the one hand, much of the media coverage addresses issues that are directly or indirectly related to human rights, and on the other hand, there is the fact that the freedom of the media, itself, is a human right. The publication *Media, Journalism and Challenge of Human Rights Reporting*[2] states that "the media are regarded conventionally as one of the mechanisms by which citizens hold their governments to account."

It could be argued that among the general public in Macedonia, even among journalists, there is no satisfactory knowledge of human rights and of the protection mechanisms against possible abuses. This conclusion emerged from the survey conducted by MIM with representatives of the civil society organizations and of the media (see Annex 1 of the White Paper). According to participants in the interviews, this is due to the lack of informing citizens by the media and by the educational system. On the other hand, though the media insufficiently and not rarely and incorrectly treat human rights related

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1 TACSO (2012) The Missing Link. Sarajevo: TACSO Regional Office. Retrieved from: http://www.tacso.org/documents/reports/?id=8589

2 International Council of Human Rights (2002) Media, Journalism and Challenge of Human Rights Reporting. Retrieved from: http://www.ichrp.org/files/reports/14/106_report_en.pdf

issues, they are not interested in the civic sector in general, whereas the political influence on the media and the editorial policy are often reasons why some civic organizations, initiatives and topics are ignored or marginalized by the media. The remarks at the expense of civil society organizations working in the field of human rights relate to their lack of adroitness, perseverance and creativity in the access to the media in order to keep them interested in what they do.

The project Technical Assistance for Civil Society Organizations – TACSO in 2012 conducted the research titled as *The Missing Link[3]* covering the IPA-region countries including Macedonia. The research states that the relations between the CSOs and the media are burdened by the lack of knowledge and understanding about the other sector, as well as the weak capacities of both sectors to establish relations with others. Research conclusions argue that the media do not have enough awareness raised on the potential, the capacity and the significance of the CSOs for the society; CSOs raise the question of independence of the media from politics and from the business, both sides lack procedures, standards and strategies on how to approach to CSOs or to the media – whilst CSOs lack skills for systematic approach to the media, the media lack comprehensive knowledge about the civic sector, thus a general distrust takes place among them.[4]

For many years, media coverage of the civic sector endures as a problem that CSOs face with. Also, in the USAID' 2011 CSO Sustainability Index[5] CSO representatives have highlighted that the media interest in covering of their activities depends on the presence of high profile public figures, such as ministers and mayors, as well as the fact that media coverage on local level is better than on the national level. The remark of CSOs that the media coverage and awareness on their work dropped in 2005 when the reform of the public service took place, based on which local services ceased with their activities is pointed out in the Report. However, according to the analysis, commercial media show less interest for activities and events of the civil society. The Report indicates that CSOs have little trust in the media due to their limited independence. The USAID Report of 2012,[6] yet, highlights that the media continued to promote negative stereotypes of CSOs and to undervalue their role as partners. According to the same source, the perception of CSOs by the Government and by the public in general remains negative and respectively unsatisfactory. The perception of CSOs among the public is that they serve personal purposes or interests, the USAID research says.

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3 TACSO (2012) The Missing Link.Sarajevo: TACSO Regional Office. Retrieved from: http://www.tacso.org/documents/reports/?id=8589

4 Ibid

5 USAID (2011) CSO Sustainability Index for Central and Eastern Europe and Eurasia. Retrieved from: http://www.usaid.gov

6 USAID (2012) CSO Sustainability Index for Central and Eastern Europe and Eurasia. Retrieved from: http://www.usaid.gov/europe-eurasia-civil-society/cso-sustainability-2012/macedonia

I.2. NORMATIVE FRAMEWORK AND MECHANISMS FOR HUMAN RIGHTS PROTECTION

Macedonia has sufficient normative framework and mechanisms to protect human rights, but the implementation of laws, and the capacity and functioning of the relevant institutions are the most cited remarks by domestic and foreign organizations and institutions responsible for the protection of human rights.

Relevant reports indicate more "weak " points in the field of human rights, where among the most frequently repeated are those related to the rule of law and the judicial system; implementation and loopholes (such as, for example, the Law on Prevention and Protection from Discrimination); the situation in prisons and correctional facilities; the situation with the Roma rights in general, and especially the rights of women and girls of this ethnic community; treatment of women victims of violence, violations to the freedom of the media; discrimination against members of the LGBTI population, etc. [7]

An additional problem in this field is the low level of awareness on human rights among the public, among its certain segments concerned with certain type of rights, as well as among certain relevant institutions and professionals whose focus is protection of human rights. According to the research by the *Macedonian Institute for Media* (MIM) conducted with representatives of civil society organizations and the media (see Annex 1 of the White Paper) this is due to several factors, including the poor visibility of the topics related to human rights in the media, and the educational system which lacks contents from this field.

In terms of **normative and institutional framework**, Macedonia has ratified the main instruments relating to human rights at the international and European level, such as the conventions of the United Nations, the Council of Europe, the International Labour Organization and the UNESCO. After the ratification of these international documents, they became part of domestic legislation and are superior to domestic laws. Therefore, the legal system and the practice of the courts, the public and state authorities should harmonize with these international standards.[8] Principles deriving from these documents are determined by the Constitution, which guarantees the respect of fundamental rights and freedoms of mankind and the citizen. The highest constitutive Act contains a list of fundamental civic, cultural, economic, political and social rights, which are transposed into the national legislation.

Macedonia as a member-state of the United Nations (UN) is obliged to report on the situation of human rights to the UN Human Rights Council every 4 years. In the period from 2009, when it reported for the last time, Macedonia ratified and acceded to several international agreements that shall contribute to improving the situation in this field. One of the important laws enacted in the past four years is the Law for the Pro-

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7 Amnesty International (2013) „Macedonia: Submission to the UN Universal Periodic Review". Retrieved from: http://www.amnesty.org/en/library/asset/EUR65/003/2013/en/8a9c56b1-0967-43e4-8844-ca37a8e45a88/eur650032013en.pdf

8 UNDP (2009) International and National Legal Framework for Human Rights for Macedonia. Page 9. Skopje: UNDP

tection and Prevention from Discrimination (2010), which represents a step forward in establishing a framework for addressing this problem that Macedonian society is facing. However, according to the indications of domestic and international organizations, the law has defects in terms of meeting certain international standards, particularly related to the LGBTI-community.

In 2012, the Law on Equal Opportunities for Women and Men was adopted. It specifies the responsibilities of stakeholders and obliges the authorities to adopt strategic plans and budgets related to gender issues. Amendments to the Labour Law which explicitly prohibits discrimination against women workers during pregnancy, motherhood and parenthood, regardless of the type or duration of the work were adopted among the most important legal regulations in 2012. In terms of freedom of expression, the Law on Civil Liability for Insult and Defamation was adopted, but media freedoms remain under threat of restrictive legislation and under influence of political and economic centres of power. In the period behind us, there were many strategies and national plans adopted, such as gender equality, prevention of human trafficking and migrants, protection against domestic violence, empowering the status of Roma women. However, considering the limited resources that institutions face, the implementation of these documents shall be continuously monitored.

When we talk about **bodies and mechanisms** to protect human rights at national level, the Constitutional Court, among other things, has the authority to protect the rights and freedoms of people and the citizen relating to the freedom of conviction, conscience, thought and public expression, political association and action and the prohibition of discrimination against citizens on the basis of sex, race, religious, national, social or political affiliation.

The Constitution envisages the institution Ombudsman, which protects the constitutional and legal rights of citizens when they are violated by the state administration and by other bodies and organizations with public authorities. The National Preventive Mechanism was established in the structure of the Ombudsman, whose main task is the prevention of torture and other cruel, inhumane or degrading treatment or punishment. In the past, the Department for protection of citizens against discrimination was also established within the Office of the Ombudsman, and an independent body - Commission for the Prevention and Protection against Discrimination was established as well. The Standing Inquiry Committee for protection of civil freedoms and rights and the Committee on inter-ethnic relations within the Assembly of RM, Committee on Equal Opportunities for Women and Men, the National Commission for combating Trafficking in Human Beings and Illegal migration, coordinated by the Ministry of Interior, the National Commission on the Rights of the Child, the Committee on free Access to public Information, and other inter-agency and intra-agency bodies for protection of human rights should be highlighted among the other national bodies responsible for the protection of freedoms and rights.

The most active among the **domestic Non-Governmental Organizations** that deal with protection of different aspects of protection of human rights, are: *the Helsinki Com-*

mittee for Human Rights of the RM on various aspects of civil and political freedoms, *Children's Embassy "Megjashi"*, which advocates for the protection of children's rights, *the Coalition „Sexual and health rights of marginalized communities", Open Gate - "La Strada"*, which deals with victims of human trafficking, *Open The Windows*, as the only organization dealing with the promotion of assistive technology as a tool to encourage inclusion of people with disabilities, *Health Education and Research Association - HERA*, working in the field of sexual and reproductive rights, *the National Council for Gender equality* (NCGE), covering different aspects related to women's rights, *Roma S.O.S.* working to improve and protect the rights of the Roma, *the Foundation Open Society Institute Macedonia* (FOSIM), which is active in various areas of human rights, *Metamorphosis* Foundation, which strives to promote digital rights, *the Association of Journalists of Macedonia*, *Macedonian Institute for Media*, and *the Centre for Media Development*, working towards the protection of media freedoms and rights, etc.

On an International level various organizations and institutions follow the developments with the human rights. Thus, the United Nations Organization, which in its essence integrates the objectives of promoting and protecting human rights, has created complex structures to protect human rights worldwide, primarily based on the UN Charter, then on the non-binding declarations legally binding treaties and conventions and other activities to promote human rights globally. UN has more bodies and mechanisms for monitoring member states in the field of human rights, such as, for example, the universal periodic reports prepared by the Member States, special rapporteur for a particular type or rights or the committees to monitor each convention by the expert body. Governments of all member states of the UN have an obligation to submit a national report to the UN Human Rights Council every 4 years about which measures have been taken to improve the human rights situation in their countries and to fulfil their obligations in the area. Macedonia should prepare the next report at the beginning of 2014.

The European Commission in its annual progress reports of the State regularly considers the human rights situation, same as the State Department, while the Council of Europe has established a European Commission against Racism and Intolerance (ECRI) as an independent human rights monitoring body specialized in issues related to racism and intolerance.

In addition, many organizations prepare the so called „shadow reports" on different aspects of the area of interest, such as, for example, *Amnesty International* and *Human Rights Watch*, leading organizations for protection of human rights, *Freedom House* and *Reporters without Borders* for the freedom of media, *the International Lesbian and Gay Association* for the rights of the LGBTI community, *Association for Emancipation, Solidarity and Equality of Women (ESE)*, *European Roma Rights Centre* (ERRC) etc.

I.3. THE STATE OF HUMAN RIGHTS IN MACEDONIA

The Ombudsman have noted a steady increase in the number of complaints from citizens over the past four years, not only due to increasing awareness of citizens about their rights, but also due to the low level of compliance, fulfilment and protection of human rights, and weaknesses in the public administration and other public institutions and authorities.[9] Most submissions 948 (21.81%) were filed in the area of consumer rights, followed by justice (710 or 16,34%), and labour relations, then complaints about the functioning of penitentiaries, property relations, pension and disability insurance, social security, police procedures, health care, etc.[10] Most of the violations that the Ombudsman discovered in 2012, and the provided suggestions, recommendations and responses often were not respected by the Ministry of Interior, local governments, public enterprises, agencies and institutions, the Ministry of Finance, the State Commission for decision-making in administrative proceedings and labour relations procedure in the second instance, the Ministry of Health, the Ministry of Labour and social Policy, etc.[11]

The judiciary, the exercise of basic civil and political rights remain weaknesses of Macedonian democracy, which is confirmed in the reports of more relevant international and national organizations and institutions. The European Commission Report for the Republic of Macedonia from 2013[12] indicates that the judicial reform process is completed, yet it is necessary to implement in practice the European standards related to the quality and independence of the judiciary.

According to the State Department Report on the state of human rights in Macedonia in 2012, a key problem in this area was the failure of the Government to fully respect the rule of law, which is „reflected in its failure to follow parliamentary procedures, the interference in judiciary and the media, the selective prosecution of political opponents of the country's leaders, and significant levels of government corruption and police impunity."[13]

Also, *Helsinki Committee for Human Rights* notes that the judiciary is under the constant influence of the executive power because courts fail to protect the rights of the citizens, nor even they provide a fair trial in some of procedures. [14] In the area of fundamental rights, the relevant institutions like the European Commission, the Ombudsman and the *Helsinki Committee* warn about the existence of cases of torture and ill-treatment by prison staff.

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9 Ombudsman (2012) Annual Report regarding the level of securing, respect, improvement and protection of human rights and freedom. Page 45-46. Retrieved from: www.ombudsman.mk

10 Ibid. Page 23-24

11 Ombudsman (2012) Annual Report regarding the level of securing, respect improvement and protection of human rights and freedom. Page. 33. Retrieved from: www.ombudsman.mk

12 The European Commission (2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

13 State Department (2012) Country Report on Human Rights Practices. Retrieved from: http://www.state.gov/documents/organization/204523.pdf

14 Helsinki Committee for Human Rights of RM (2012) Annual report of the Helsinki Committee for the situation with the human rights in Macedonia in 2012. Retrieved from: www.mhc.org.mk

In terms of **women's rights and gender equality**, a new Law on Equality between women and men was adopted in 2012. However, the international institutions that monitor the area, such as, for example, the relevant committees of the UN, has expressed concern that there is lack of visibility, authority for decision-making and coordination between government institutions, which suggests that the state doesn't give priority to the principle of equality. The persistence of traditional stereotypes that exist in Macedonian society regarding the roles of men and women in the family and the society, as well as the problem with the media that are constantly transmitting stereotyped and sometimes even degrading images of women are pointed out in the Reports of the UN bodies and the European Commission. This is further reflecting on the role of women in politics, economics and everyday life.

In 2012, the European Commission noted certain efforts to solve health problems of women, and that only a small number of women have benefited from improvements due to financial constraints. "The insufficient support of the National Action Plan for Roma women makes its implementation almost impossible. The participation of women in decision-making processes in the society remains low, especially at local level",[15] suggests the report from 2012. In 2013, the Commission confirms the existence of discriminatory practices, traditions and stereotypes in the society. It concludes that the Department for Equal Opportunities within the Ministry of Labour and Social Policy lacks adequate resources, and that the National Strategy to combat and prevent domestic violence (2012-2015) is being implemented slowly. There is often confusion between the concepts of non-discrimination and equal opportunities in practice, which points out the need for raising public awareness for both issues. In particularly difficult situation are women belonging to marginalized groups and minorities, because they are subject to double discrimination.

According to the European Commission, the progress regarding the protection of human rights of **minority communities** is hampered by limited financial resources and inadequate cooperation among relevant institutions, which highlights the need for greater activity in terms of implementation of policies, in particular of the Roma strategy.[16] Roma, one of the most vulnerable communities, remain on the margins of the society, despite a series of steps and commitments that the Government is taking to improve the situation. Particularly alarming is the situation with the street children and with their education, outsized number of children in special schools, the health insurance, and the rights of women and girls of the Roma ethnic community and the double discrimination they face, and the substandard living conditions. *Amnesty International*, in its Submission to the UN Universal Periodic Review, which is expected to be ready in 2014, noted certain steps to improve the rights of the Roma community, but also that the government is not willing to implement the Action Plan in the framework of the regional initiative Decade of Roma Inclusion.

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15 The European Commission (2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

16 Ibid. Page 46

Worrying trends are observed in relation to the exercise of human rights of **marginalized communities**, as well as in terms of the implementation of existing legislation that regulates social relations with these communities. In 2012 and 2013, the target of certain conservative groups and some public institutions were communities with different sexual orientation (LGBTI community), and users of narcotics. *Helsinki Committee for Human Rights* concluded that in 2012, members of the LGBTI community faced legal and social prejudice, discrimination, and extremely homophobic environment, which aggravates their access to legislation and legal protection. The report concludes that these people are not considered citizens with equal rights and freedoms under and in front of the State laws, and the Law on Prevention and Protection against Discrimination, despite indications of the domestic and international organizations, does not contain provisions for protection against discrimination on the basis of sexual orientation.[17]

People with disabilities continue to face stereotypes and prejudice, but also discrimination in their access to health care, education, employment, public transport and other services, and the state makes small movements regarding the implementation of the National Strategy for Equal Rights of Persons with disabilities 2010-2018.

Young people in the age between 15 and 24, very often belong to the categories of citizens who remain on the margins of the interests of local and central authorities, facing problems within the process of education, employment, and participation in policy-making important to them. The European Commission, in its 2013 Report, noted that the number of students enrolling at universities increased, same as the number of graduates, yet it concludes that the general progress in the areas of education, training, youth and culture, remains limited.

Digital rights represent a set of basic human rights in the digital environment and include the right to privacy, the right to protection of personal data, the right to freedom of expression and speech, copyright, the right to information, etc. Lately, these rights are increasingly actual, given the rapid penetration of information technology in the daily and professional life, as well as the number of citizens using it.

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17 Helsinki Committee for human rights of RM (2012) Annual report of the Helsinki Committee for the situation with the human rights in Macedonia in 2012. Page 43. Retrieved from: www.mhc.org.mk

I.4. SOCIO-POLITICAL ENVIRONMENT WHERE HUMAN RIGHTS ARE BEING EXERCISED

In the last decade, the social processes that the State is undergoing largely affect the exercise of human rights. Certain socio-political phenomena have special role in those processes, such as discrimination, politicization and partisanship, freedom of speech and expression, as well as the freedom of media.

A. The fact that **discrimination** in Macedonia in recent years has seen a growing trend is disturbing. Various studies detect discrimination on various grounds, where the most common are ethnic, sexual, gender, and lately, increasing trend of discrimination on basis of political affiliation. The Law on Prevention and Protection against discrimination was adopted in 2010, consequently the independent bodies, the Commission for Protection from Discrimination and the Unit for Prevention against Discrimination within the Ombudsman Institution were established. International organizations' reports conclude that the Commission faces financial and staffing deficit and that it should increase its visibility and its activities in public in order to prevent discrimination and to increase the understanding of the Law on anti-discrimination. [18]

Although Macedonia meets the obligations towards international organizations in terms of harmonization of legislation and establishment of bodies for protection against discrimination, competent committees within the UN highlight their concerns that the State fails to explicitly prevent discrimination based on sexual orientation and gender identity,[19] and the Law does not include areas such as housing, health care and access to services. UN Committees' Reports indicate the existence of a widespread discrimination in many areas: towards women, especially Roma women and girls and women belonging to other ethnic communities, and women from rural areas, deep-rooted discrimination along ethnic lines, discrimination based on sexual orientation, political affiliation, discrimination against persons with disabilities, and children belonging to other ethnic communities, particularly to the Roma community, then towards the children in institutions, street children and children with disabilities who are in conflict with the law. [20]

Amnesty International, in its Shadow Report notes that the Commission for protection from Discrimination is not sufficiently financed, with little competencies, capacity and expertise to carry out their work. In addition, some of the remarks indicate that there is overlapping and interfering into competencies between the Commission and the Unit within the Ombudsman.[21] In April 2013, the Network for protection against dis-

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18 The European Commission (2012, 2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu

19 Committee on the Elimination of Discrimination against Women (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia", adopted by the Committee at its 54th session. Paragraph 10. Retrieved from: http://www2.ohchr.org/english/bodies/cedaw/cedaws54.htm

20 Committee on the Rights of the Child (2010) Concluding observations for RM. Paragraph 26. Retrieved from: http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.MKD.CO.2.doc

21 Amnesty International (2013) „Macedonia: Submission to the UN Periodic Review". Retrieved from: www.amnesty.org

crimination criticised the Commission for its actions or failure to act in certain individual cases of reported discrimination.[22]

The Ombudsman pointed out that a range of activities have been undertaken to inform the public about discrimination in the course of 2012, but despite that, it concluded that "citizens insufficiently recognize forms of discrimination and that the number of reported cases is still small," even among institutions there is not enough awareness regarding the need for equal treatment or protection against discrimination.[23] In 2012, there was not even a single court case that institutes discrimination which indicates the low citizens' awareness about the mechanisms for protection against discrimination. Studies indicate that the police often provides worse treatment for drug users, sex workers or Roma, and courts "are very careful when they have cases of alleged discrimination, since they enter the unknown zone".[24] Based on the practice, the Ombudsman found that discrimination is often present in the area of labour relations, and the most common basis for discrimination is ethnicity. On the other hand, the data that in the course of 2012, a total of 75 submissions were filed to the Commission, which is 15 cases more than in 2011 when this body was established, speaks about the low awareness about discrimination. Most of submissions concerned the discrimination by state agencies, local governments and other public institutions, which according to the Commission's Report is worrisome because specifically these bodies are expected to respect the principle of non-discrimination. Most submissions, a total of 16, concerned discrimination on grounds of ethnicity, and three complaints were filed on the basis of political affiliation.[25]

According to domestic organizations that monitor the situation in the area of human rights, the Macedonian society is still seen as a closed and discriminatory, a place where diversity is difficult to accept.[26] The evaluation of the *Helsinki Committee for Human Rights* in the report of 2012 is that two years after the adoption and implementation of the anti-discriminatory legislation, we cannot still talk about effective protection against discrimination, particularly when it comes to marginalised groups. The Committee suggests that the Law remains unchanged besides the criticism by the expert community and the NGO sector, especially regarding the parts which allow the employees in the state administration to become members of the Commission for protection from discrimination, but also for the exclusion of the sexual orientation and the gender identity from the legislation as basis for protection against discrimination. The Committee appraises that the Commission did not increase neither the intensity of its work nor its visibility in public in 2012, which leaves citizens uninformed about the possibilities

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22 Network for protection against discrimination (2013) Press release. Retrieved from: http://www.mhc.org.mk/system/uploads/redactor_assets/documents/347/Soopshtenie_do_javnost_-_29_april_MK-FINAL.pdf

23 Ombudsman (2012) Annual Report regarding the level of securing, respect, improvement and protection of human rights and freedom. Page. 37. Retrieved from: http://ombudsman.mk/

24 Krzalovski, Aleksandar (2010) Discrimination based on ethnicity. Page 129. Skopje: OSCE

25 Commission for protection from discrimination (2012) Annual Report of the Commission for protection from discrimination. Retrieved from: http://www.kzd.mk

26 Helsinki Committee for Human Rights of RM. See the Reports on the web-page of the Helsinki Committee for Human Rights of RM. Retrieved from: http://www.mhc.org.mk/

for protection against discrimination. Unlike the conclusions of the Commission and the Ombudsman that the most widespread is the discrimination based on ethnicity, according to the *Helsinki Committee,* the most discriminated are the LGBTI community, facing systemic discrimination due to the exclusion of sexual orientation and gender identity in a number of laws that would ensure their effective protection and inclusion in the society.[27] The Committee additionally expresses its concerns due to the discrimination and marginalization of the communities that are below 20%, being a trend at national and local level. The Roma community, according to them, remains the most marginalised in the country, despite the foreseen activities within the Roma Decade.

According to the *Helsinki Committee*, the political determination is one of the leading basis upon which discrimination occurs, especially in the state and public administration over the last three years. This becomes a difficult-problem to handle for the state, largely because this type of discrimination is limiting the citizens their right to work and the right to private and family life, the committee concluded. Political discrimination in labour relations has particularly intensified after the local elections in 2013 and after the change of local government in certain municipalities. In this context, a number of people responded to the *Helsinki Committee* and reported discrimination due to the limitation of the right to exercise the position of a director in some schools, the right to exercise the position of head of the municipal administration or the right to advance in their career as well as the layoffs due to the change of the local government.[28]

Also, gender equality has been questioned in the course of 2012 and 2013, especially due to the representation of women's role exclusively as mother and wife by the government and church officials, concluded the *Helsinki Committee*. Some changes in the legislation, such as, for example, Law on abortion, also initiated strong reactions about the position of women in the society. These developments initiated topics for discussion related to discrimination towards women, her equality and full social inclusion.

B. Politicization phenomenon becomes ever present in the media and civil society sector in the last ten years, as many research and suggestions of the expert community indicate. As result of this, the corruptive effects of these processes over the social structures are of particular concern.

Politicization reflects over the work of both civil society organizations and the media, therefore the conditions are difficult for these two sectors to accomplish their mission and function of power correctors. In the interviews conducted by the Macedonian Institute for Media with the representatives of the civil society sector and the media in terms of their attitudes and perceptions about the cooperation between the two sectors, the problem of politicization – of both the CSOs and the media – was indicated by almost all interviewed participants (see Annex 1 of the White Paper). The USAID reports on the self-sustainability of the

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27 Helsinki Committee for Human Rights of RM (2012) Annual report of the Helsinki Committee for the situation with the human rights in Macedonia in 2012. Page 19-20. Retrieved from: http://www.mhc.org.mk/

28 Helsinki Committee for Human Rights of RM (2013) „Discrimination based on political affiliation and belief." Retrieved from: http://www.mhc.org.mk/announcements/127#.Unuwdyd9iP5

civil society sector in 2011 and 2012 indicate that this sector was especially devaluated in the last years with the appearance of the so-called „GONGO" or Government organized NGOs, which appeared as a voice for support of the Government's policies, with an intention to „put a shadow" over the civil society organizations with critical stances and attitudes.[29] The public image and the advocacy capacities of the CSOs also regressed, while their influence over the politics remains at minimum level, it is noted in the USAID Report for 2012. The same source concludes that the media promote negative stereotypes for the civil society organizations and neglect their role as partners in the social processes. All this results with a limited coverage of the civil society sector in the prime-time of the media reporting.

The European Union has been warning for several years already about the political and business influences in the media sphere, which reflect to the editorial policy of the media, the selection of news, the manner of reporting or they result with self-censorship of journalists. The end result is that the public has a limited access to balanced information, as well as to a wide spectrum of different viewpoints.

In the research conducted by MIM, the representatives of the civil society sector and the journalists have emphasized the low level of mutual trust due to the party-political and ethnic division of the civil society sector and the media sphere. Part of the interviewed CSOs have an opinion that there are media which are „under the umbrella of the Government" and do not want to report about particular CSOs which are considered as the ones criticizing or are inclined towards the opposition. The perceptions of the other side, i.e. of the media representatives, is the opposite – they think that there are CSOs which are politically influenced, thus journalists are facing closeness of some experts in the CSO sector, unwillingness for communication with the media and, on the other hand, the media themselves avoid getting in touch with them. Additionally, the ethnic division of the media and the civil society sector contributes to a lower level of informing and a small media visibility of the CSOs that belong to the other communities in Macedonia. Therefore, instead of having an integrative role, the media frequently present a partial image of the society seen through the prism of the different ethnicities or through the prism of different political ideologies (see Annex 1 in the White Paper).

These perceptions are confirmed in the TACSO research as well, where it is stated that the political establishment represents an obstacle for a successful work of the CSOs, but, on the other hand, the media are divided and do not sufficiently participate in the building of a society based on a civic concept.[30]

In December 2012 there was a presentation made of the research titled as „*Corruption in the media and the civil society*" for the needs of the State Commission for Prevention of Corruption and *Transparency International – Macedonia*, supported by OSCE. The research indicated that more than half of the surveyed participants (54%) think that the media in Macedonia do not report in an objective manner, while 60% believe that

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29 USAID (2011, 2012) CSO Sustainability Index for Central and Eastern Europe and Eurasia. Retrieved from: www.usaid.gov

30 TACSO (2012) The missing link. Page 23. Retrieved from: http://www.tacso.org/documents/reports/?id=8589

the corruption on different grounds is highly or widespread on medium level, while the promotion of parties' politics and the share of the Government's money on advertising are the manners in which the media could be corrupted.[31] An extremely high percentage of citizens agreed with the claim that the media are an extended hand of the political parties (83%) and that there is a link among the business, politics and media (81%).[32] This research has also indicated that up to 44,3% of the surveyed participants believe that the sharing of sources for the Government's campaign in the media represents the most widespread corruption, while 35,2% of the citizens do not believe that the Government truly commits to prevent corruption in the media.[33]

In relation to the analysis of the civil society sector, the research has indicated that almost one third of the citizens (29%) believe that the corruption is widespread in the NGOs, while 22% believe that the corruption is spread on medium level.[34] The findings indicated that there is a high percentage of citizens who think that there is a corruption when granting sources from the budget for the civil society organizations (63%). This finding is supplemented with the fact that quasi – organizations receive financial support from the Government to accomplish political goals. This is also confirmed with the survey in which most of the citizens in Macedonia agree with the claim that CSOs in Macedonia have been established for accomplishing of goals of political parties (67,5%).[35]

C. The freedom of media and media pluralism are essential pillars of the democracy and part of the Charter of Fundamental Rights of the European Union, which explicitly states that the freedom and pluralism of media should be observed. The freedom of expression is guaranteed with several instruments of the international law, such as the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the African Charter on Human Rights, the American Convention on Human Rights and the European Convention on Human Rights. These documents guarantee the right to freedom of expression, to hold opinions, receive and impart information and ideas without interference of the authorities. Although freedom of expression is often associated with journalists and media workers, it is very important to understand that the media is only a channel through which this right is manifested, but it belongs to all citizens of a democratic society.

In the socio-political environment in the country, where the previously described conditions are framed with the exercising of human rights, the functioning of the media and the work of journalists is also accomplished. Press freedom suffered dramatic moments in the past few years. In terms of the legal framework, the Law on Civil Liability for Insult and Defamation was adopted in 2012 that moved the acts of defamation and insult in the civil law; hence Macedonia fulfilled one of the recommendations of the EU.

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31 State Commission for Prevention of Corruption, Transparency International – Macedonia and OSCE (2012) „Corruption in the media and the civil society". Skopje. Retrieved from: http://www.transparency.org.mk/index.php?option=com_content&task=view&id=823&Itemid=57

32 Ibid

33 Ibid

34 Ibid

35 Ibid

However, part of the media public expressed concern that the Law will actually encourage self-censorship among journalists and, in addition, that certain articles are problematic because of the possibility of stifling the investigative and critical journalism.

In the course of 2013 the new draft – law on regulation of the media sphere was an ongoing topic. After it has passed through several versions, it entered into the Parliament divided finally in two separate draft – laws – draft law on media and draft law on audiovisual services.[36] The proposed legislation was met with divided opinions by the media community, and most of the remarks referred to the fact that the Law extends the jurisdiction over the press and internet publications and also intervenes in the journalistic profession and the editorial aspects of the media functioning. The Law proposed establishing of a regulatory body - Agency for Media and Audio-visual services, whose jurisdiction would be extended over the press and online media as well. The suggested method of proposing and selecting of the members of this body calls into question its independence. The criticism by the media community also refers to the fact that this legislation does not address the Government's advertising in the media, which is a serious source of funds for some media and an opportunity for political and economic influences on the media, as well as that it does not sanction hate speech which is very prevalent in the media.

In terms of what happens in the practice, the political and economic influences on the media are a chronic issue in the media sphere and they reflect through the biased editorial policy, deterioration of professional standards, self-censorship of journalists and restricted public access to balanced reporting and to a wide range of viewpoints. In recent years, the international institutions reacted that the media freedom is „contaminated" by the influences of the political parties in the editorial policy, which is more than obvious. The country has seen a dramatic downturn in the area of press freedom in the recent years.

An additional problem that distorts the media space in Macedonia is the often present **hate speech** that with a few exceptions, remain unsanctioned, despite existing legislation. Hate speech is prohibited by the Constitution and laws (Penal Code , art. 319, 417, 173), which sanction ridiculing of individuals or groups on the basis of a different race, colour, nationality or ethnic origin through information systems, and programming contents that incites national, racial or religious hatred and intolerance (Law on Broadcasting Activity, art. 69, 166). The Code of Ethics of Journalists of Macedonia, Article 10 refers to the hate speech, saying: „Journalists shall not consciously produce neither process information that jeopardize human rights and freedoms, shall not use hate speech and shall not encourage discrimination of any kind (national, religious, gender, social class, language, sexual orientation, political orientation ...)"

In March 2013, the Agency of Youth and Sports started the national campaign against hate speech on Internet,[37] as part of which training and conferences were organized, but the conclusion remains that the activities in the area should be intensified. Due to this,

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36 In November 2013 the law was still not adopted

37 Agency of Youth and Sports. Retrieved from: http://www.ams.gov.mk/odnosi-so-javnosta/soopstenija/258-oznachen-pochetokot-na-nacionalna-kampanja-protiv-govorot-na-omraza-na-internet.

several civil society organizations are very active in identification and prevention of hate speech, such as the *Helsinki Committee* for Human Rights, *Coalition „Sexual and Health Rights of Marginalized Communities"*,[38] *Foundation Open Society Macedonia* (FOSM)*, Association of Journalists of Macedonia, Macedonian Institute for Media* and others.

The analysis of *MIM „Hate Speech on the Internet"* concludes that 'mainstream' media usually refrain from explicit hate speech, but it often appears in a hidden form. In viral media, social networks (especially *Facebook* and *Twitter*), forums, and in the contents that users create (comments on texts, for example) there is often hate speech and negative stereotyping used.[39] In many cases where hate speech or inflammatory speech is found in the media, research has shown that this is due to uncritically relayed statements by politicians, columnists and other opinion leaders by the media themselves.[40]

The Helsinki Committee for Human Rights has been continuously monitoring the media, social networks and statements of the holders of high public positions and representatives of the political parties and has concluded that in the course of 2012 hate speech was increased and there were cases that resulted with physical violence.[41] Although hate speech is more prevalent in the media the courts in Macedonia have not yet declared anybody guilty. Other competent institutions, such as the Ministry of Interior, the Public Prosecutor's Office did not undertake any initiative for filing applications for hate speech.[42] The measures undertaken by the Broadcasting Council in relation to broadcasting of contents that incite hate speech were reduced to only two „informal warnings" (to Sitel TV and MTV) and a ban on broadcasting of advertisement for two days (to Kanal 5 TV for hate speech in the „Milenko Nedelkovski's show").

It is particularly important to note that in Macedonia the definition of hate speech and its criminalization is manipulated because it is often thought that by sanctioning hate speech freedom of expression would be restricted. *Helsinki Committee* concluded that under this pretext negative campaigning has been made against certain public personalities, denigrating, homophobia, transphobia and an evident misogyny, and that ethnic and political hatred is encouraged.[43] Lately the term „hate crimes" is becoming present, which means crime motivated by bigotry or prejudice against a particular group in society.[44] The number of hate crimes committed in Macedonia in the period from March to the end of November 2013 stood at over 100. In most of these cases registered

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38 Trajanoski, Zarko (2011), Media discourses and discrimination of members of the marginalized communities (drug abusers, sexual workers, LGBT, people living with HIV). Skopje: Coalition „Sexual and Health Rights of Marginalized Communities"

39 Saracini, Petrit (2013) „Hate Speech on Internet". MIM: Skopje. Retrieved from: www.mim.org.mk

40 School of Journalism and Public Relations (SJPR) (2013) First and second report by SJPR from the monitoring of the media coverage of local elections in Macedonia, as part of the UNESCO Chair on Media, Dialogue and Mutual Understanding. Skopje: SJPR

41 Helsinki Committee for Human Rights of RM. Retrieved from: http://zlostorstvaodomraza.com/

42 Saracini, Petrit (2013) „Hate Speech on Internet". MIM: Skopje. Retrieved from: www.mim.org.mk

43 Helsinki Committee for Human Rights of RM (2012) Annual Report on the Conditions in the area of Human Rights in Macedonia in 2012. Retrieved from: http://www.mhc.org.mk

44 Webpage http://zlostorstvaodomraza.com/

by the *Helsinki Committee* young people were victims because of their ethnic or religious affiliation. However, a target for committing hate crimes were also people from the LGBT community, who were attacked because of their sexual orientation or gender identity. The fact that hate speech directed at this category of people even comes from some state bodies and institutions is considered a phenomenon that gives bullies an alibi for their attacks, as concluded by the Committee.

Hate speech versus freedom of expression

In order to distinguish hate speech from freedom of expression, we present definitions recommended in international documents.

„*The term 'hate speech' covers all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility towards minorities, migrants and people of immigrant origin.*"[45]

On the other hand, freedom of expression is a fundamental human right provided for in Article 10 of the European Convention on Human Rights: "*Everyone has the right to freedom of expression. This right includes freedom to hold opinions, receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent states from granting of work licenses to broadcasting enterprises, television stations or cinema.*"

Article 10 can protect information and ideas that offend, shock or disturb, in the name of "pluralism, tolerance and free thinking without which no democratic society exists" or positions stated with harsh and exaggerated expressions, "but the extent of their protection depends on the context and the purpose of criticism." These opinions can be tolerated in cases when it comes to public interest, when criticizing the government or in periods of election campaign.[46]

However, it should be taken in consideration that freedom of expression is not only right, but a responsibility, and therefore it is not unlimited. Unlimited exercise of the right to exercise freedom of expression in certain situations can endanger other rights and freedoms such as the right to a fair trial, the right to privacy or freedom of religion.[47] The answer to the question about the limits of the freedom of expression is given in paragraph 2 of Article 10 of the Convention, which states: „*The exercise of these freedoms ... may be subject to such formalities, conditions, restrictions or penalties as prescribed by law and are necessary in a democratic society in the interests of national security , territorial integrity or public safety, for the prevention of disorder or crime, health or morals, reputation or rights of others, for preventing the disclosure of confidential information or for maintaining the authority and impartiality of the judiciary.*"

Article 10 places an emphasis on freedom of expression, which may include rough and offensive speech when it comes to criticism in the name of public interest. But that does not mean that it protects hate speech. Article 10 does not protect statements that intentionally and directly call for violence or that may cause violence, which includes hate speech. It should be clearly distinguished that critical or rude speech is not the same as hate speech, something about which many have confusion.

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45 Council of Europe. Recommendation number P (97) 20 on hate speech by the Committee of Ministers to the member-countries. Retrieved from: http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec%281997%29020&expmem_EN.asp

46 Trpevska, Snezana (2010) Freedom of Expression, Public Interest and Media Regulation. Page 7. Skopje: SJPR.

47 Ibid. Page 13

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CHAPTER

PRIORITIES IN THE COOPERATION BETWEEN THE CSOS AND MEDIA IN THE AREA OF HUMAN RIGHTS

II.1. PRIORITIES IN THE AREA OF CIVIL AND POLITICAL RIGHTS

The efficient functioning of the judiciary in practice, its independence and the quality of justice in general are still identified as areas of concern, despite the completion of the reform process in the judicial area that is under way in the last ten years. As for the independence of the judiciary, the 2013 European Commission Progress Report for the country says that there is information for selective justice, indirect political pressure, unusual verdicts in terms of the result or the speed of adoption, as well as for the quality of verdicts which sometimes has a direct impact on the career of the judges concerned, especially when it comes to political and high-profile cases. The fact itself that there are doubts is a problem for the independence of the judiciary and for the public confidence in it, the report says.[48]

In the area of political and civil rights, national and international organizations[49] put additional remarks on press freedom, freedom of speech and freedom of association; the police work, especially of the special forces and the need to strengthen the independence and effectiveness of the Sector for Internal Control; violence against prisoners by officials; incidents involving torture and ill-treatment in prisons; overcrowding, poor financial resources and deficit of staff in prisons; substandard conditions and poor health care for prisoners, etc.

Political and civil rights are the focus of monitoring by the Ombudsman and several relevant civil society organizations in the country, such as the *Helsinki Committee for Human Rights*, the *Centre for Freedom – Civil*, the *Coalition "All for Fair Trials"*, the *Institute for Human Rights* and other civil society organizations. The assessment of the situation in the field of political and civil rights in this part of the White Book are mainly based on reports and consultations made by the *Helsinki Committee*, and the recomendations of other relevant national and international institutions.

- **Media freedom and freedom of expression.** Freedom of expression, according to the reports of many national and international organizations, marks negative trends and drastic fall downs in the recent years. This is the first area that is indicated as a problematic one in 2013 Report of the EU, in the section for human rights and minority rights.

The reports of the European Commission and the reputable international and national organizations have been warning for many years already about the concerning trends at the media scene in Macedonia. The Government is the largest advertiser in the commercial TV – stations, which provides them a significant financial advantage, especially to the pro-government media.[50] Several media outlets have been closed down in

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48 European Commission (2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

49 Ombudsman, Helsinki Committee for Human Rights of RM and European Commission

50 Broadcasting Council (2013) Analysis of the market of broadcasting activity for 2012. Skopje: Broadcasting Council. Retrieved from: http://www.srd.org.mk/images/Analiza_za_radiodifuznata_dejnost.pdf; European Commission (2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

the last couple of years, several debate programs withdrawn and many journalists have lost their jobs. This resulted in silencing of the critical public. One of the most controversial events in the media sphere occurred on December 24 2012, when journalists were forcibly removed from the parliamentary gallery and prevented to attend a session of the Parliament, which severed the relationship and trust between the media and the Government. Poor conditions in which journalists work and fragile labour rights, political and financial dependence of the Public Broadcasting Council and of the regulatory bodies, self-censorship of journalists are just some of the indicators of the situation in the media sector in Macedonia.[51]

The last event that shocked the international and the national media community was the verdict of four and a half years in prison for the journalist Tomislav Kezarovski. He was convicted of revealing the identity of an allegedly protected witness in a murder case, in a text he wrote in 2008, although the witness had previously stated that he falsely testified against the accused for murder. The case with Kezarovski caused intensive protests among the domestic media community, and international organizations and institutions reacted with condemnation as well. The OSCE Representative on Media Freedom, Dunja Mijatovic, expressed "disgust" at the ruling, saying it sent a clear message across about censorship to other journalists as well. She added that the verdict will have serious consequences to the freedom of expression and media freedom in the country.[52] Previously, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression Frank La Rue reacted that this case negatively affects the media freedom in Macedonia.[53] In his report he emphasized that he was notified of multiple cases of use of legal instruments as a threat to journalists and independent media which, according to him, is a danger of silencing important voices in the country.[54] With the verdict for Kezarovski, Macedonia became the only country in South East Europe having a journalist in prison.

- **Freedom of association**. Freedom of association and expression of discontent through peaceful protest form is correlated to civil and political rights that all people in the country should enjoy equally. *The Helsinki Committee for Human Rights* in its 2012 Annual Report concluded that the civil and political rights were especially emphasized through the exercise of the right to a peaceful protest (public gathering), right to association and freedom of expression by several community groups, organizations and informal associations of citizens. However, many reactions of individuals and groups have been submitted to the Committee due to a fear; because of disagreement with the police officers that ensure the right to a peaceful protest; because of blackmail, restriction of rights; because of pressures in the form of counter-protests; as well as because of

51 Reports and research of the Macedonian Institute for Media. Retrieved from: www.mim.org.mk

52 Statement by Dunja Mijatovic, OSCE representative for media freedom. Retrieved from: http://www.osce.org/fom/107265

53 Online media www.javnost.mk. Retrieved from: http://javnost.mk/?p=6110

54 Preliminary conclusions by UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression Frank La Rue, Skopje, June 21. Retrieved from: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13480&LangID=E

political discrimination on the basis of membership into a political party. The Committee emphasizes the importance of these rights in the development of the parliamentary democracy because their exercise enables a control over the executive power by the citizens and expression of dissatisfaction towards particular politics, manner of management, etc. The Committee highlights that any kind of obstruction or an effort to limit these rights is considered a violation of the civil and political rights that are part of the corpus of international human rights and freedoms. In this regard, this organization has identified violations of the aforementioned rights in 2012, and escalation of peaceful protests into violent protests was observed, in which citizens and police officers suffered minor injuries.

- **Discrimination and labelling on political ground.** *The Helsinki Committee* found discrimination and labelling by the media for part of the activists of the civil initiative AMAN, who were at the same time members of certain political parties. Based on the conclusions by the Committee, certain media labelled these activists as ineligible to voice their discontent as citizens, through forms of peaceful protest and civil activism. The Committee believes that this means direct political discrimination against the citizens, who despite civil have political rights as well, and warns that a trend is introduced of ineligibility due to political belonging or affiliation, which pushes the wrong image in the public that citizens who are members of a political party cannot exercise their civic rights such as the right to a protest.

- **Misuse of the detention measure**. Particularly worrying is the situation with the misuse of the measure of detention and violation of the right to liberty and security guaranteed by Article 5, line 3 of the European Convention on Human Rights. *Helsinki Committee* noted several cases in which detention lasted too long and was imposed for minor criminal offenses, and rarely alternative measures were used. The Committee has been continuously reacting on this practice by the courts, i.e., as they say, to the solutions with unsubstantiated justifications for the imposition and extension of this measure, the non-application of the more lenient measures and the use of detention as a punishment. Despite numerous indications of domestic and international governmental and non-governmental organizations on this situation, the Committee concluded that there is an absence of a specific response by the courts, and that the court violates the law if it uses explanations upon which detention is extended to these persons based on rewriting of the legal basis for the imposition of this measure.[55] This type of solution, according to the Helsinki Committee, are problematic ones from the perspective of the European Court of Human Rights, such as in the „Snake eye" case, when it was disclosed that the state has violated the European Convention of Human Rights, because it did not provide sufficient reasons for the detention of its citizens for more than eight months.

- **Presumption of innocence.** The domestic institutions and organizations, among

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55 Helsinki Committee for Human Rights of RM. Press release: „The detention of Tomislav Kezarovski is contrary to the European Convention of Human Rights". Retrieved from: http://www.mhc.org.mk/announcements/143#.UoY-DXD-NWI; Radio Deutsche Welle, interview with Voislav Stojanovski, legal advisor in the Helsinki Committee for Human Rights of RM. Retrieved from: http://www.dw.de

which the *Helsinki Committee* and the Ombudsman found cases of violation of the principle of presumption of innocence by institutions such as the Ministry of Interior (MoI), senior government officials, and in some cases - by the courts as well. *The Helsinki Committee* states that, although an advancement can be ascertained in the transparency of work in the courts, which greatly influences public perception and trust in institutions, still their relationship with the media has remained controversial in view of the serious violations to the presumption of innocence and privacy of citizens - participants in the trials. Thus, for example, it happened that MoI violated the presumption of innocence when mentioning names and surnames at a press conference or when broadcasting a picture of the alleged perpetrator without blurring his face/eyes before he is sentenced, while the court obstructed the presumption of innocence when, for example, in decisions imposing detention it cited the way the crime was committed or when explaining the degree of criminal responsibility. However, such cases were more common in recent years. After many reactions to the institutions, they became more careful when announcing information. On the other hand, media often only transfer the information received from the institutions, thus violating the principle of presumption of innocence.

Especially worrying is the lack of clear standards for the manner and extent of reporting from court proceedings and for publishing of data on the Internet. Because of this, the Committee proposes to establish written standards for the media on the manner of reporting of criminal cases and trials, and for the MoI to organize a press conference just after the approval and supervision of the Public Prosecutor's Office, as it is a case in Croatia and in other European countries.

- **Conditions in prisons and in educational - correctional institutions.** Reforms to improve the living conditions for stay of inmates are slow. The Project „Reconstruction of the penitentiary – correctional institutions", that started in 2011, resulted with the opening of the newly built prison „Kumanovo" in 2013, and in the meantime the construction of the penitentiary – correctional facility „Idrizovo" has started. As part of this Project, the institution for juveniles Educational – correctional facility in Tetovo should be reconstructed, which is not utilized since 2001, as well as the prison „Skopje". Several institutions and organizations conclude that the living conditions in prisons are bad, congestion increases and staff employed has inadequate education. The living conditions in detention, however, are even worse than those in prisons, and the recommendations of the UN Committee against Torture are not met. According to the reports by the Directorate for the Enforcement of Sentences, in the period between 2008 and 2010 the number of detainees increased by 45%.[56] *The Helsinki Committee* registered many complaints from detainees pertaining to inadequate health care legal aid failure. Several complaints of torture by prison guards were received, especially over persons accused of paedophilia, while judicial control provided no results, the Committee announced. The prisoners that the *Helsinki Committee* was in constant contact with complained of malfunctioning of the programmes for re-socialization and reintegration. There were also complaints for the educators as being insufficiently educated, as well as for the corruption in the use

56 The annual reports could be accessed at: http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizv

of benefits of good behaviour (short leave of the institution, increased number of visits, etc.) The *Helsinki Committee* indicates that there is no separate treatment of persons sentenced to life imprisonment, and when they asked to visit the 29 convicts to life imprisonment in the „Idrizovo" prison the visit was not permitted for „security reasons". Visits were also not permitted when media asked for it. The *Helsinki Committee* reached an anonymous report in 2012 with pictures from a detention prison in Skopje where it can be seen that the police used handcuffs that were tied to the hands of the detainees and to the radiators.

The Committee noted that the Law on Execution of Sanctions has not been fully implemented, while the State Committee for Supervision of Penitentiary - Correctional facilities and Educational - Correctional institutions, founded in 2010, is not active and does not perform its responsibilities. Therefore, beside the Ombudsman, there is no mechanism for oversight over the prisons and the Directorate for the Enforcement of Sentences, whose suggestions and recommendations would be compulsory for these institutions.

The biggest problems the *Helsinki Committee* registered are associated with inadequate hygiene in prisons, insufficient engagement of inmates at work, inadequate health care, lack of any form of education, prisoners do not spend more than one hour outdoors, the correspondence via mail is difficult, dysfunctional legal services etc.

- **Torture and police brutality.** In relation to the basic rights there are two areas separated which are problematic for many years now – prevention of torture and ill-treatment in detention and prison system, as well as in the Sector of Internal Control and Professional Standards of the Ministry of Interior. The reports from the Helsinki Committee, the Ombudsman, the European Committee for Prevention of Torture, the judgments of the European Court of Human Rights, as well as of many other relevant governmental and non-governmental organizations show that additional efforts are required by the authorities to remove sources of serious violations of human rights when it comes to police brutality.

According to the *Helsinki Committee*, the case of Martin Nesovski showed that there is no immediate and effective control over the conduct of criminal investigations against alleged police abuses. Macedonia is obliged to implement an effective, impartial and thorough investigation into all cases of police brutality, especially when casualties occur among people from ethnic communities that are particularly vulnerable to police brutality. Unfortunately, the state is still subject to criticism of domestic and international institutions and organizations, which indicate that not only the specific perpetrators should be hold responsible for the police excesses, but all those who knew that such a thing happened, but did not prevent or reported it. The "Stop police brutality" movement, through the protests of thousands of citizens that lasted 40 days in 2011, required an external police oversight and accountability for the death of Martin Neskovski as a result of excessive use of force. The ruling coalition did not accept such requests. All opposition parties submitted a draft – law for police ombudsman in the Parliament in 2012, but the

proposal was rejected by a majority of MPs.

As result of the complaints received in 2012, the Ombudsman has concluded that
the respect of the rights and freedoms guaranteed to persons deprived of liberty con-
tinues to be unsatisfactory due to overcrowding of facilities, health insurance problems,
frequent conflicts among inmates and observed cases of unprofessional attitude and
torture by officials.[57]

- **Participatory democracy.** The civil initiative AMAN is one of the rare successful examples
of practicing the right to a direct democracy and proposing of legislative changes in Parliament,
directly by citizens. Besides expressing their discontent through protest, this civil initiative, with
the support the 13,000 people, succeeded to submit a draft – law for amendments and changes
of the Energy Law. The draft - law of the respective Ministry was supported by the majority of
members of the ruling party at the very beginning of the debate in the Parliament, hence it was
decided not to hold a second reading of the proposed changes. *Helsinki Committee* concluded that
household as consumers are generally not at all protected from ever increasing electricity prices
and the monopoly position of the distributors of thermal energy. It is therefore necessary to clarify
the legal provisions that will protect the rights of households as consumers in the bylaws of the
Energy Regulatory Commission, which threaten the livelihood of many citizens.

Related to the same initiative, the *Helsinki Committee* found deficiencies in the Law on Ref-
erendum and other forms of direct expression of citizens in regard to the enforcement of the civil
initiative at the state level. In the same Law there is no exact time limit in which the Prime Minister
must notify the state authority responsible for registration of the right to vote that it can begin
collecting signatures required for initiation of civil initiative. Based on this, the deadline of three
months planned for collection of signatures is significantly decreased, thus violating the right to
participate in public decision making through forms of direct democracy. This was also a case with
the civil initiative AMAN, which started the procedure to collect 10,000 signatures on October 18
2012, in accordance with the Law on Referendum and other forms of direct expression of citizens
in order to make amendments to the Energy Law. But, according to the *Helsinki Committee,* the
Prime Minister abused the undefined period within which to notify the state authority responsible
for registration of the right to vote, in this case - the State Election Commission (SEC). Although
the motion was proper, approved by the President of the Assembly and by two parliamentary
committees within the legal time period, the Government did not inform the SEC to immediately
act upon the initiative, thus the deadline of 3 months to collect 10,000 signatures was significantly
shortened. The proceedings began on December 6 2012 and lasted until January 30 2013. Thus
the Government directly threatened this right and shortened the duration of the procedure to less
than three months, as provided in the Law.

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57 Ombudsman (2012) Annual Report regarding the level of securing, respect, improvement and protection
of human rights and freedom. Page 51. Retrieved from: www.ombudsman.mk

Priorities in relation to the cooperation among the CSOs working in the media sphere

- **Informing the public on political and civil rights, as well as on mechanisms for their protection.**

Citizens have little knowledge of human rights and mechanisms for protection and reaction if those rights are violated. This is the conclusion of the relevant institutions and organizations, such as the Ombudsman, as well as by the majority of the representatives of CSOs that were part of the research conducted by MIM for the purposes of this Project. This is due to the fact that the media do not sufficiently inform about issues related to human rights, improperly treat or interpret these issues, but also to the fact that this area is not sufficiently represented within the education system. On the other hand, the CSOs themselves do not continuously implement educational campaigns for the general public, due to lack of funds, and sometimes due to the lack of initiative, inconsistency in pushing the issues, unrecognizing the problems and unawareness about creative ways to get to the media and citizens.

- **Increasing the visibility of work of CSOs in the area.**

Research[58] shows that the media, in general, are not sufficiently interested in the work of the CSOs. In the interviews conducted by MIM with representatives from the CSOs and the media before the production of the White Book, the interviewees pointed out the CSOs and the media mostly cooperate when it comes to some current events and mostly at the level of sharing the information by the CSOs, without in-depth analysis or interpretation of the events and data. On the other hand, the media often perceive the civil society sector as politicized and dependent on different centres of power. Due to this, as well as due to the „labels" that the CSOs carry themselves, the media do not cover the activities of some of them. In addition to this, the editorial policies of the media themselves, as well as the political and economic influences over them, are often a reason that certain CSOs or initiatives cannot be covered in the media and thus cannot get in touch with the citizens.

- **Polarization of the society and reflections in the media sphere.**

One of the remarks by the civil society organizations is that the polarization along the ethnic lines reflects in the media sphere as well, hence many information on the violation of human rights, for example in the Albanian ethnic community stay „trapped" in the media in Albanian language. In such a situation, neither the civil society organizations that work on protection of human rights nor the wider public have sufficient information for particular cases of human rights violation; therefore they cannot identify them and react accordingly. It is specifically important to identify this problem because it is closely connected with the functioning of the society and the legal system, as well as with the exercise of the political and civil rights.

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58 Research by MIM, TACSO and USAID

However, the political polarization of media is a chronic and growing problem identified by the relevant national and international organizations. Shutting down of debates, termination of employment of journalists for political incompatibility, bias and self-censorship of journalists and media outlets, poor quality of the media content, narrow the spectrum of views articulated in public and limit citizen's access to balanced and critical information.

- **Prevention of hate speech and discrimination**

Hate speech and discrimination are increasingly reflected in the media, both in the traditional and in the new and social media. In recent years, media often find themselves in the role of promoters or enhancers of discriminatory messages, and disseminators of hate speech, which is rarely sanctioned by the authorities. In this context, a worrying trend is the so-called tacit solidarity of journalists or media with their colleagues or absence of reaction or condemnation when journalists discriminate or use hate speech.

The cooperation between CSOs and the media should focus on how to help citizens make it easier to identify the various forms of discrimination, to enable them to alert the media and CSOs and provide their prompt reaction. On the other hand, journalists have become "sensitive" in identifying cases of discrimination, which would mitigate the effect or will cease the trend of spreading discriminatory discourse. At the same time, the practice of tolerating hate speech should be unmasked, as it is used to allegedly protect or enable freedom of expression, as it is often understood by the media professionals themselves. Mixing these two concepts is actually an argument for the use of hate speech.

An additional focus in the cooperation between the CSOs and the media should be creating putting on institutions such as the Commission for Protection from Discrimination, the Ombudsman, the Broadcasting Council and other bodies and institutions responsible for indicating and sanctioning of these phenomena.

- **Protection of the presumption of innocence.**

Although it is one of the main principles that should lead the journalism, same as with the institutions, the violation of the rule of presumption of innocence is apparently present in the media. The Ombudsman and the *Helsinki Committee* confirmed that the practice of publishing or displaying the names of suspects continues to repeat, thus leading to their stigmatization in public.

Civil society organizations, as well as the professional media organizations need to alert and remind the press and media to observe innocence, privacy and dignity of each individual. Journalists should consistently adhere to the ethical principles that oblige them to publish accurate and verified information. However, even though institutions themselves can use video-materials from various arrests of suspects in various cases as an argument for transparency and objectivity in their acting, they have to be mindful of the fact that the "leak" of the materials means their participation in the violation of the principle of presumption of innocence.

Helsinki Committee suggested specification of ethical and professional standards both for the media and the institutions on the reporting, i.e. informing about criminal cases and court proceedings.

II.2. PRIORITIES IN THE AREA OF WOMEN RIGHTS

In terms of the normative framework affecting the rights of women it should be pointed out that in 2012 Macedonia adopted the Law on Equal Opportunities between Women and Men as well as the amendments to the Labour Act, which explicitly prohibit discrimination against women workers during pregnancy, maternity and parenting. The state has met its regulatory obligations regarding the adoption of the National Strategy (2012-2020) and the Action Plan for Gender Equality (2013-2016), the National Strategy for the Prevention and Protection against Domestic Violence (2012-2015), the National Action Plan for Promotion of the Status of Roma women (2008), the National Strategy for Combating Trafficking in Human Beings and Illegal Migrants (2009 -2013) and the Strategy for Gender Responsive Budgeting (2012-2015), according to which the state administration bodies are obliged to incorporate the principle of equal opportunities for women and men in their strategic plans and budgets. In addition, the Law on Prevention and Protection from Discrimination includes definitions of discrimination based on sex.

However, the actual situation shows that the implementation of laws in practice takes place with considerable difficulties, due to flaws in terms of measures and mechanisms for their proper use, as well as lack of adequate sanctions for non-compliance and enforcement of the legal provisions. Gender responsive budgeting at the local level have not yet been applied sufficiently, because the issues of gender and the different needs of women and men are not treated as important which can help to achieve the objectives of local government.[59] *The National Council for Gender Equality (NCGE)* concluded that the Commission on Equal Opportunities for Women and Men at the national level and the commissions for equal opportunities at the local level do not fulfil their function, are not sufficiently aware of their competencies and do not have appropriate work programs, resulting in a lack of concrete actions and tangible results in the field of gender equality.

The country tries through various programs and measures for active employment to include rural women as well, as one of the most vulnerable groups, but these efforts are not sufficient, especially since there are no additional services in these areas, such as gardens or homes for the elderly. USAID Research[60] in 2011 confirmed that one of the largest problems in Macedonia is the unemployment of women. In addition to this, there is a problem with horizontal segregation, i.e. higher presence of women in certain occupations that are low paid in general (textile industry, sales, social services, etc.)

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59 National Council for Gender Equality. „Gender issues and social protection in the municipalities of Centar and Gostivar." Report produced as part of the Project „Promotion of gender responsible policies in South East Europe" (2011-2013) of UN Women

60 USAID (2011) Promotion of Women Self-sustainable Mechanisms in Europe and Eurasia. Retrieved from: http://pdf.usaid.gov/pdf_docs/PNADW786.pdf

The remarks by the Committee on the Elimination of Discrimination against Women within the UN[61] indicate that there is a lack of information about the expected results of the National Strategy and the Action Plan for Gender Equality and about the procedures for implementation, monitoring and evaluation of policies, and that there is a lack of national resources for implementation of these documents that should encourage the fight against discrimination of women, especially of those belonging to other ethnic communities, of Albanian and Roma women who are subject to double discrimination.

As result of the practice in recent years, it should be noted that there is an increasing of the trend of retrograde patriarchal and traditional values, through legislative and programmatic measures. This was followed by intensive media campaigns to promote family with many children and campaigns about the harmful effects of abortion. Church officials also got involved in creating the stereotypical image of women in the family and the society. These developments, in particular the rapid adoption of the new Law on Termination of Pregnancy, initiated an avalanche of reactions by non-governmental organizations and experts, who view it as a restriction of "woman's free choice to terminate the pregnancy and it is an unconstitutional government campaign against abortion, which degrades and stigmatizes women, their partners and immediate family."[62]

In the preparation of the section below, which refers to women's rights, the following civil society organizations participated: *National Council for Gender Equality (NCGE, former SOZM)*, the *Health Education and Research Association – H.E.R.A.*, *Open gate - "La Strada"* and the *Helsinki Committee for Human Rights of the Republic of Macedonia*. For a detailed "diagnosis" of some of the problems in the area, as well as for identification of priorities in the cooperation of CSOs and the media, the findings and recommendations of the Committee on the Elimination of Discrimination against women within the UN and other relevant reports were largely used.

- **Visibility and coordination of the state institutions**. Lack of visibility, decision making and coordination among state institutions suggest that the state gives low priority to the principle of gender equality, the Committee on the Elimination of Discrimination against Women within the UN[63] says in its 2013 report. This body has expressed concern regarding the poor visibility, transparency and availability of mechanisms for the protection of women's rights, such as the legal representative within the Ministry of Labour and Social Policy, the Commission for Protection from Discrimination and the Unit for Protection of the Citizens from Discrimination in the Ombudsman's Office, the overlapping of their responsibilities, and the small number of complaints on discrimination based on sex derived from them and submitted to the courts.

61 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia." Paragraph 16. Retrieved from: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/421/54/PDF/G1342154.pdf?OpenElement

62 Web-page of the CSO Association of Health Education and Research – H.E.R.A Retrieved from: http://hera.org.mk/?p=281

63 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding observations from the fourth and fifth periodical report about Macedonia." Retrieved from: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/421/54/PDF/G1342154.pdf?OpenElement

The 2013 EC Progress Report about Macedonia concludes that there is no strategic approach in the implementation of national strategies and action plans and that these processes are very slow.

- **Discrimination and stereotyping of women.** Several reports[64] indicate the widespread tradition and discriminatory practices in Macedonia, as well as the persistence of stereotypes that overemphasize the traditional role of women as mothers and wives, thus underestimating the social status of women, their educational and professional capacities. This problem is particularly prominent among rural women. In this context, it is indicated that the media persistently transmit stereotyped and sometimes degrading images of women.[65] Several statements of church and government officials in the last couple of years contributed in the generation of stereotyped image for the woman. These statements overlapped with the campaigns that promoted family values. Starting from 2009, the Government implements the campaign for explaining the consequences of abortion „Choose life, you have the right to choose", which, according to the civil society organizations, discriminates and offends the reproduction rights of women and at the same time it stigmatizes those that had an abortion or plan to have it. A key problem with the campaigns, as pointed out in a brief brochure of the Association for Emancipation, Solidarity and Equality of Women in Macedonia – ESE and *H.E.R.A.*, is that the Government spends much more sources for campaigns than for improving the health of women. More specifically, according to the same source, the Government spent 36 million denars in for this campaign, which is more than the sources it allocates for the programmes for active health care for mothers and children and for an early detection of malign diseases.[66] After many reactions caused by the campaign, one of the spots on abortion was removed from air by the Broadcasting Council.

Women, including those from other ethnic groups, are not sufficiently represented in political life and on high managerial positions, particularly on local level[67]. This remark by the relevant Committee within the UN is supplemented with the concern that there is a lack of particular measures to promote and increase representation. The Committee also notes the small number of complaints on the basis of sexual discrimination submitted to the competent institutions and bodies or to the courts.[68]

64 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia" ; European Commission (2013) Progress Report on the Republic of Macedonia

65 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia." Paragaraph 20. Retrieved from: http://www2.ohchr.org/english/bodies/cedaw/cedaws54.htm

66 Brochure of the Association for Emancipation, Solidarity and Equality of Women in Macedonia – ESE and H.E.R.A. Retrieved from: www.hera.org.mk.

67 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia"; European Commission (2013) Progress Report on the Republic of Macedonia

68 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia." Paragraph 10, 12; European Commission (2013) Progress Report on the Republic of Macedonia.

- **The state of Roma women.** Female members of the Roma community are at the margins of society and face multiple discrimination, as well as difficulties in access to institutions and public services. Roma women have unequal opportunities in education and employment, due to traditional and religious restrictions on their education and their role in the family.[69] The most common problems they face are associated with adequate housing and health care, identity documents, protection from violence and access to justice. The competent UN Committee on the Elimination of Discrimination against Women noted that the Government is not doing enough to protect the rights of Roma women and girls, and for the double discrimination based on gender and ethnicity with which they face in achieving civil and political rights. Domestic and international institutions that monitor the area report that strategic documents such as the National Plan for the Promotion of the Status of Roma women and the Strategy adopted in 2008 are not being implemented nor adequately funded.[70] *Amnesty International* is quite strict in its report, concluding that the state has not taken measures in the last 5 years to address the recommendations of the competent UN Committee in terms of the versatile discrimination faced by Roma women and girls.[71]

The rate of Roma girls who drop out of school is large, while the number of Roma women that continue into higher levels of education is low. In schools for children with special needs, according to the Ombudsman, there were a number of Roma children, including girls.

The Government is taking some measures to improve the situation of Roma women, as for example the adoption of the Second National Action Plan for improving the social situation of Roma women in Macedonia (2011-2013), which covers four priority areas: employment, health, education and human rights. In this framework there were a two training conducted, a manual printed on the right to equal treatment and protection against discrimination, as well as a guide to access services at state institutions for Roma, especially Roma women. However, these activities are not sufficient to improve the status and situation of Roma women.

- **Women in the rural areas and other marginalized groups of women.** Women living in rural areas in Macedonia also found themselves in many disadvantaged position due to limited access to health and social services, little participation in decision -making at the community level, in education, and the formal labour market, the Committee on the Elimination of Discrimination against Women within the UN says. According to some surveys, only 1-2 % of the land in rural areas is owned by women, primarily because of particular traditional mind-set where real estate is attributed to the male members of

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69 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia"; European Commission (2013) Progress Report on the Republic of Macedonia

70 Amnesty International (2013) „Special measures for Roma women and girls – briefing for the Committee on the Elimination of Discrimination against Women within the UN". Retrieved from: http://www.amnesty.org

71 Amnesty International (2013) „Special measures for Roma women and girls – briefing for the Committee on the Elimination of Discrimination against Women within the UN". Retrieved from: http://www.amnesty.org

the family. Therefore, women cannot use incentives (subsidies, etc.) offered by the Government, as part of measures to help.

Albanian women belong to the category of marginalized women as well, widows, elderly women and women with disabilities, who also face discrimination and there are no sufficient measures for their effective inclusion in the society.

It is added that marginalized women on the basis of prostitution are in particularly difficult situation. Prostitution is treated as an individual problem, while there is no institutional response to this problem. The actions taken so far by the state do not contribute to improving the situation of sex workers, particularly when we take into consideration the violation of their rights and increasing of their stigmatization and discrimination.

- **Family violence.** In July 2012 the Government adopted the National Strategy on Prevention and Protection from Family Violence (2012-2015) that is to be implemented through five strategic areas: prevention, protection, assistance and support to the victims of family violence; prosecution of perpetrators; multi-sector cooperation and institutional capacities building; monitoring and evaluation. The Government has established a National coordination body for prevention and protection from family violence, whose members are representatives of the relevant ministries, MPs and representatives of the National Network for Family Violence, composed of civil society organizations working in the area.

Rape, including within marriage, is illegal, but due to poor implementation of laws in Macedonia the penalties do not significantly prevent this violence, according to a report by the State Department in 2012. Police and courts are reluctant to prosecute rape in marriage, and often victims themselves avoided to declare and initiate a lawsuit over possible social and cultural stigma.

The National Council on Gender Equality advocates and works towards faster ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence, that the state signed in 2011.[72] The ratification and application of this Convention will significantly contribute to the fight against violence on women and domestic violence.

There are shelters with limited capacities for victims of domestic violence, which were opened by the Government and the NGOs, as well as SOS phone lines. For a longer period of time they face a malfunction of the protection systems and reduction of the number of protection centres (two are now operational out of six - one in Skopje and one in Strumica, and a crisis centre „Hope" for providing care to victims of violence up to 48 hours, also in Skopje), which is a result of the lack of financial support and other systemic measures that lead to strengthening the capacity of professional structures, the National Council on Gender Equality informs. Additionally, the existing shelters have limited capacity, due to which victims are sometimes forced to stay in shelters in another city, and this causes difficulties in the conduct of court proceedings, the *Helsinki Com-*

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72 See more at the following web-page: http://www.potpisuvam.org/

mittee noted. Although in the Law on Free Legal Aid the victims of domestic violence are included as a separate category of persons requesting free legal aid, still very few cases have received legal aid. *Helsinki Committee* believes that there is a need to amend the Law and facilitate the conditions of the victims of domestic violence for obtaining legal aid. In October 2013, *H.E.R.A* opened the first family centre for family violence for the City of Skopje, which should integrate all stakeholders involved in domestic violence, both women and children - victims of domestic violence and perpetrators of domestic violence.[73] Due to the limited number of activities aimed at raising public awareness on family violence there is a tendency of declining in reporting family violence by Roma and Albanian women, *Helsinki Committee* concludes.

- **Human trafficking.[74]** Macedonia is a transit – country and a destination for victims of human trafficking, and also a country of origin. Information from a variety of sources indicate that in the last couple of years there is an increase of the number of Macedonian citizens, mostly juveniles, who have been trafficked from one to another region in Macedonia. It is the so-called „internal" trafficking with people. This information is also confirmed with the statistics of the civil society organization *Open Gate – „La Strada"*. Namely, starting from 2005 until 2012 a total of 100 persons, most of them women and girls, were included in the programme for social assistance of this organization. The fact that the victims of human trafficking are young is of particular concern – up to 69 % of the total number of victims of human trafficking who were offered an assistance by *Open Gate* were minors aged 13 to 18 years. Starting from September 2009 up to June 2013 the Ministry of Interior revealed a total of 15 acts of „human trafficking" and „trafficking of a minor", for which 56 perpetrators were reported. The victims of these crimes were 18 women, of whom 13 were minors.

The increase in the number of domestic victims of trafficking is due to poverty and high rate of unemployment, as well as the poor social conditions in the country, Open Gate concludes based on the experience and research. Consequently, the high rate of all forms of violence, especially domestic violence, indirectly contributes to the rising number of victims of trafficking. According to the data by *Open Gate*, sexual exploitation is the most typical form of human trafficking in Macedonia. Although there is information about human trafficking aimed at labour exploitation, still the number of such cases is small, same as the number of identified and protected victims or perpetrators who are prosecuted and convicted. Additionally, there should be more attention paid to illegal immigration which has an increasing trend, but also to the more active identifying of potential victims of trafficking between migrants and ensuring access to appropriate programs and services for them.

It is a general conclusion of both domestic and international organizations that the total number of victims of trafficking identified by the institutions annually is very small

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73 NGO Health Education and Research Association H.E.R.A. Retrieved from: http://hera.org.mk/?page_id=877

74 This part is prepared in cooperation with the CSO Open gate – "La Strada" and it is based on their research and experiences

compared with the data from the region, which, among other things, points out to the conclusion that the competent authorities do not have sufficient capacity to recognize the indicators for identification. This limits the opportunities to ensure guaranteed legal protection, support and reintegration to all victims.

Macedonia has adopted a National Strategy to combat human trafficking and illegal migrants (2009 – 2013), but the *Committee on the Elimination of Discrimination against Women* in its 2013 report expressed concern over the lack of visibility and coordination of relevant institutional mechanisms, the large number of girls who have been trafficked for sexual exploitation, lack of preventive measures to address the root-causes of trafficking, particularly of Roma women, and the lack of information on resettlement programs.

Under current practice, most of the services available to victims of trafficking, such as medical assistance, legal assistance, education and training, are covered by the civil society organizations. The national Centre for victims of trafficking, although being under the jurisdiction of the Ministry of Labour and Social Policy, is financed by the institution in a very small part and two CSOs are responsible for its 24-hour operation, that provide their own human and financial capacities.

In addition, the victims are denied the right to reintegration due to the absence of institutionalized reintegration program for adult victims of human trafficking, while the existing program of the Ministry of Labour and Social Policy for reintegration of children – victims of trafficking is not actually implemented and should be revised.

Children – easy target for human traffickers

Children are easy targets of traffickers because they have a reduced capacity to recognize risk. The most frequent victims are children that were subject to sexual exploitation, violence, parental neglect, children who were separated from their families, unregistered children, those who are out of the educational process and street children. All these categories of children are under great risk of becoming part of networks of child trafficking. Child victims of trafficking often come from poor families, with fewer economic and educational opportunities.

Priorities in relation to the cooperation among CSOs that work in the area and the media

- **Prevention and protection from discrimination through the media**

It is necessary to work on raising awareness of the media on topics related to women's rights, which will eliminate negative stereotypes and instead will promote positive stories about women who have managed to become professionals in various fields.[75] Journalists must be constantly reminded that they should respect the Code of Conduct

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75 Committee on the Elimination of Discrimination against Women within the UN (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia." Paragaraph 21. Retrieved from: http://www2.ohchr.org/english/bodies/cedaw/cedaws54.htm

in relation to the protection of human rights, dignity and freedom and pluralism of ideas and opinions, and report in accordance with these principles. Media need to warn and prevent ill - representation of women in media through self-regulatory mechanisms and collaboration with CSOs. In addition, journalists should be adequately trained to identify and recognize these phenomena, but not to transmit them or reinforce negative message.

- **Increasing the threshold of „sensitivity" in the media in relation to gender issues**

Media often publish stereotyped images and messages for women and their role in the family and in the society. Therefore, there is a need of greater sensitivity of journalists covering topics that refer to women. The National Council on Gender Equality identified that the choice of expressions and words that journalists use contributes to the creation of a stereotyped image of women in the society. Therefore this should be always identified and pointed out by CSOs that work in the area. The cooperation between CSOs and journalists should include such a mechanism of correction, i.e. CSOs should warn the media always when identifying a spread of stereotypes, prejudices or degrading images of women.

- **Need of in-depth media coverage**

The consistent, continuous and in-depth coverage of essential topics related to promotion and protection of women's rights will increase the visibility of CSOs in the media and will influence the awareness raising on these topics. Every fourth woman in Macedonia is a victim of family violence, but this issue is superficially covered in the media and rarely there are in-depth analyses of the reasons for this situation.

In contrast to this, the National Centre for Gender Equality notes that the interest of media for „women's topics" is increased in particular periods, such as during Women's Day - 8th of March or when a problem occurs. Women's organizations get better attention and visibility in the media only in those situations and the rest of the time they get in touch with a limited audience.

- **Public awareness raising on prevention of violence against women**

Committee on the Elimination of Discrimination against Women within the UN, in its 2013 Report, provides recommendations to the state to raise public awareness through the media and through educational programs, as well as by providing compulsory training for judges, lawyers, police, health and social services, as well as for the professors, aimed at achieving sensibility on all forms of violence against women and girls. In this context, CSOs should be continuously present in public, not only when promoting their activities and when having specific occasions, but also through field work too. CSOs that work in the area of women's rights should develop their skills for media communication, in order to access them easier and introduce them with their work. In this way they will raise the awareness of citizens on the issues they try to resolve as activists, increase their visibility, hence raise their credibility as well.

- **Public awareness raising on the rights of Roma women and women from other marginalized groups**

These topics are rarely part of media coverage, due to which the awareness among the public on the situation of these groups is very low. Topics related to Roma women are most frequently part of the journalistic reporting when it comes to negative examples. Media spread stereotyped images and prejudices, as it is a case for the entire ethnic Roma community, which reflects to the public perception as well. Media should be very cautious when reporting about topics related to women and girls from the Roma community and, at the same time, they should find ways how to focus the attention of public towards these marginalized groups.

- **Raising public awareness about human trafficking**

Although cooperation between civil society organizations and the state is satisfactory, according to the experiences of the *Open Gate,* there is a need for greater recognition of the role of CSOs working on this problem and are important actors in the process of reintegration. The media can play a key role in promoting CSOs working actively in this area. But they should also alert and constantly encourage public institutions on the need of full protection of victims and their resettlement. However, when covering these topics the media should respect the principle of protecting the privacy of victims of trafficking.

On the other hand, it is necessary to raise awareness of both the institutions and the media to successfully identify and address cases of human trafficking. This requires a greater promotion in public of the SOS lines available in order to strengthen their role in the process of identification and referral of victims of trafficking.

- **Creating pressures on institutions to implement commitments undertaken in relation to women's rights**

Civil society organizations and the media should jointly act and create a common ground for pressure on institutions to speed up the process of implementation of strategies and plans adopted. CSOs that are continuously in touch with the target groups whose rights are protected should, in cooperation with the media, identify the essential problems and priorities in the area which concerns women's rights and to work on finding and developing a mechanism for reaction and alerting when some burning issue comes across.

II.3. PRIORITIES IN THE AREA OF ROMA RIGHTS AND RIGHTS OF THE MEMBERS OF NON-MAJORITY COMMUNITIES IN MACEDONIA

Roma continue to be one of the most marginalized communities in the country, which often faces with segregation and discrimination when it comes to finding opportunities for work, education, access to health services and housing. As for improving the situation of Roma and their inclusion in society, the state provides activities within the National Strategy for Roma and the Decade of Roma Inclusion (2005-2015), and the corresponding action plans for implementation in the areas of education, housing, health and employment. The implementation of these documents has been slow due to the institutional and personnel deficit, as well as limited financial support, which has been still persisting at the same level since 2009. The state funds were raised the last year for the construction of school facilities in the settlement of Suto Orizari. The National Strategy for Roma funded by the Government has partially provided results in the field of education, but not sufficiently in the areas of housing, employment, infrastructure development and especially health care.[76] The program on Roma health mediators started in many municipalities (11 mediators have been engaged in 2013, while five more mediators will start working from 2014) and information centres were open in order to help those without documents. The European Commission Report in 2013 concluded that the projects in health, education, employment, housing and social welfare are at risk because they are funded by donations, that the body responsible for the implementation of the Roma Strategy at the Ministry of Labour and Social Policy remains insufficiently staffed, and there is a need for greater accuracy and integrated approach to policy implementation.

In the past years there have been too many cases of Roma children attending special schools for children with disabilities, and the state was criticized by domestic and international organizations that it does not take suitable measures. A number of Roma have no ID cards needed to access public services such as education, social and health care. European Commission in its report in 2013[77] concluded there is only certain progress in fulfilling the rights of Roma and remarks mainly relate to the difficulty of difficult access to health and social services, high unemployment rate, non-implementation of legal changes that should resolve the over - representation of Roma children in special schools, insignificant increase in the number of Roma children in secondary schools etc. An additional problem faced by members of the Roma community is the restriction of freedom of movement, when one considers the case of the return of Roma from the borders crossings because of their profiling as potential asylum seekers.

The implementation of the Ohrid Framework Agreement is the basis for promoting and ensuring good relations and understanding among all ethnic communities in Macedonia. As for the protection of other communities, the European Commission concluded that there is a lack of finances, an effective cooperation between authorities and proac-

76 State Department (2012) Country Report on Human Rights Practices. Retrieved from: http://www.state.gov/documents/organization/204523.pdf

77 European Commission (2012) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf

tive attitude towards the established policies. The report for 2013 says that the Turks and other smaller communities are underrepresented in the administration, especially at management positions.

Practice and many research findings indicate to the existence of tensions between the different ethnic communities that are manifested in the clashes between students, during sport events and in separate incidents on the streets. Some media have been repeating and reinforcing negative stereotypes toward the „other", spreading of hate speech, nationalism, ethnocentrism and xenophobia in many cases in recent years.

This part of the White Paper was prepared in consultation and cooperation with the Association *KHAM* from Delcevo, the *Helsinki Committee*, the *Centre for Development of Community Media MEDIUM* from Gostivar, *Roma S.O.S.* from Prilep (which participated in the interviews preceding the research), and documents of the European Commission, the relevant UN committees that monitor the situation, the State Department, the Ombudsman, the School of Journalism and Public Relations and other relevant sources were taken into account.

- **Stereotyping and discrimination.** Macedonia is still considered a society that accepts diversity, including the ethnic groups, in a difficult way. The intolerance and discrimination along ethnic lines is frequently present and Roma people are particularly vulnerable group. The bad economic situation and the high degree of poverty, unemployment, the low degree of education and social crisis expose this ethnic group to a great discrimination, *Helsinki Committee* concludes. International organizations note that Roma face widespread discrimination in the access to employment, social protection, health care, education and housing, and some of them do not have identification documents.[78]

It should be noted that in past years there were more incidents between students of different ethnic backgrounds, and parents refused to send their children in ethnically mixed schools, which affected the level of trust among the different communities. Incidents of inter-ethnic nature, with use of hate speech and discriminatory vocabulary also occurred at sport events in recent years. Studies show that it was observed that some media reported through the prism of their own ethnic group, with content that has nationalist and ethnocentric messages and negative stereotyping towards other ethnic groups, mostly Albanians and Macedonians.[79]

Roma CSOs and international experts identified cases when employers reduced the rights of Roma and several Roma people complained to a difficult access at public funds.[80]

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78 European Commission (2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

79 SJPR (2012) „Media coverage of interethnic and interreligious issues in Macedonia" and (2012) „Monitoring of media on party-political and interethnic issues during the pre-election period". Retrieved from: www.vs.edu.mk

80 State Department (2012) Country Report on Human Rights Practices. Retrieved from: http://www.state.gov/documents/organization/204523.pdf

According to the State Department, ethnic Turks also complained of discrimination in the country, especially in terms of achieving equitable representation in government institutions, official use of the Turkish language in areas where they are a majority, inadequate education and lack of media in Turkish language.

Discrimination towards smaller ethnic communities

One particular example provided by the *Helsinki Committee for Human Rights of the Republic of Macedonia* refers to a direct discrimination committed against the Bosniak people on the basis of ethnicity. More specifically, this ethnic group was omitted as a group of people living in the country in the textbook "Introduction to the Environment" for third class in elementary education. In fact, the lesson referring to the people in Macedonia it is explained that Macedonians, Albanians, Turks, Roma, Vlachs and Serbs live in the country, and their characteristics and cultural traditions are described, while the Bosniak people are left out. The Committee submitted a complaint to the Commission for Protection from Discrimination against the Ministry of Education and Science of the Republic of Macedonia and the authors of the textbook.[81]

- **Education.** International and domestic reports[82] identified some progress in education due to the higher inclusion of Roma children in pre-school education programs and an increased number of Roma pupils. Still the situation is still concerning taking into consideration the rates of school dropout by Roma children, as well as the small number of girls enrolling in higher levels of education. According to the date from the Ombudsman's office and the Helsinki Committee, there were cases discovered of illogically high number of Roma children, including girls, in special schools.

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81 Helsinki Committee for Human Rights of RM (2013) Monthly report for January 2013. Retrieved from: http://www.mhc.org.mk/system/uploads/redactor_assets/documents/305/Mesecen_Izvestaj_Januari_2013.pdf

82 European Commission (2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

Discrimination and segregation of Roma children

A survey conducted by the *Helsinki Committee* in several special primary schools for children with disabilities in early 2011 confirms the existence of racial discrimination, prejudices and stereotypes in the society.[83] The findings of this research relate to data that suggest that the Roma children are not given access to all primary schools in the country because they are sent to special schools for children with disabilities without adequate evidence that these children need to learn in such schools. This is confirmed by the fact that the majority of children with disabilities in these schools are Roma, although the community is one of the smallest ethnic groups in Macedonia. Despite numerous observations of the Helsinki Committee for the discrimination against Roma, especially when it comes to education and segregation of Roma children, there was an absence of effective initiative by the state to solve this problem.

Helsinki Committee found out that the lack of mechanisms and practices for the assessment of children, their psychological and physical development, as well as the lack of education and awareness among parents of the Roma community show the need to make inspection in schools and to take appropriate measures to change the current practice.

The Committee concluded that the right to education and equal access to it is the right of every child regardless of their ethnic background, and in view of the development of children should be a priority of all relevant institutions.

In October 2013, the directors of the two largest schools for children with special needs in the country told the media they cannot accept pupils without full documentation and that problems identified are resolved.

- **Housing and infrastructure.** Based on the reports by domestic and international organizations working with Roma, members of this ethnic community are living in poverty and unemployment in neighbourhoods with substandard living conditions. In 2011 legislation was passed to regulate the illegal buildings, which can solve the problem of housing for a number of Roma, many of whom have no legal right to the places where they live and are at constant threat of eviction.

- **Documentation and freedom of movement.** One of the difficulties faced by a particular number of Roma is the obtaining of identification documents,[84] including birth certificates, ID cards, passports and other documents required to provide health insurance and social security benefits.

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83 Research conducted by the Helsinki Committee for Human Rights of RM in several primary schools for children with disabilities taking into consideration their ethnic background and representation of children in the schools. Data was published by the European Centre for Roma Rights from Budapest, Hungary, in the report about Macedonia for 2011. Retrieved from: http://www.errc.org/cms/upload/file/ecprogress-macedonia-2011.pdf

84 European Commission (2013) Progress Report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

An additional problem for Roma pointed out by domestic organizations and the State Department is the limitation of the right of Roma to leave the state. Namely, customs officers have been profiling citizens as potential asylum seekers based on some pre - determined indicators, and upon that assessment they can return them from the border crossing. Between January and December 2012, 4,360 people, most of whom Roma, were not authorized to leave the country because of suspicions that they would seek asylum in the EU.[85] These persons can legally be confiscated passport for 5 years, but based on the reactions of local organizations concerned with the protection of human rights this period is often shortened to one year. More local civic organizations, including *KHAM*, filed complaints related to this issue, but the response of institutions was coming slowly, often delayed for months.

• **Children**. The state has no sufficiently efficient programs aimed at vulnerable categories of children, particularly for Roma children, and especially girls, children refugees and persons under subsidiary protection. The Ombudsman and the *Helsinki Committee* concluded that Roma children face discrimination, negative stereotyping and segregation in schools due to which there is a need of active measures and promotional policies for the Roma in general,[86] as well as a better insight in the schools and taking of certain measures to change the current practices.[87]

According to UNICEF data[88] for 2008, 500 to 1.000 children in the country, most of them Roma, lived on streets. According to the *First Children's Embassy „Megjasi"*, this number was around 1,500 children in 2013. The Ministry of Labour and Social Policy manages 5 daily centres for street children, in which 630 children from vulnerable categories completed primary education. The Government has also opened transit – centre for street children, but they have relatively small capacities for provision of social services.[89]

Rates of unwanted pregnancies and abortion rates at teen's age are high among Roma girls.[90] European Commission in its report of 2012 indicates to the high mortality among Roma infants, and among many children who were not vaccinated.

• **Right to a health insurance.** One of the most common problems faced by Roma is the difficult access to health services, because of unfavourable socio - economic living conditions, lack of proper documentation to obtain health insurance, as well as because of non-implementation of health policies affecting Roma. Mothers and children from the

85 State Department (2012) Country Report on Human Rights Practices. Retrieved from: http://www.state.gov/documents/organization/204523.pdf

86 Ombudsman (2012) Annual Report regarding the level of securing, respect, improvement and protection of human rights and freedom. Retrieved from: www.ombudsman.mk

87 Helsinki Committee for Human Rights of RM (2012) Annual report of the Helsinki Committee for the situation with the human rights in Macedonia in 2012. Retrieved from: www.mhc.org.mk

88 State Department (2012) Country Report on Human Rights Practices. Retrieved from: http://www.state.gov/documents/organization/204523.pdf

89 State Department (2012) Country Report on Human Rights Practices. Retrieved from: http://www.state.gov/documents/organization/204523.pdf

90 Association for Emancipation, Solidarity and Equality of Women (ESE) and group of Macedonian civil society organizations (2013) Submission to the UN for preparation of the Universal periodic report.

Roma community are not sufficiently covered with preventive care, including immunizations and health education, the access to gynaecological services on the territory of Macedonia is particularly difficult for Roma women; the use of contraceptives is at low level, while the number of abortions is particularly high among Roma women; there is an inadequate and discriminatory approach towards Roma within healthcare organizations etc.[91]

The CSOs *Roma S.O.S.* from Prilep and *KHAM* from Delcevo initiated a trial two years ago and recently won because of unethical medical treatment of a patient of Roma ethnicity. The association ROMA S.O.S in the past three years has initiated litigation for 4 cases of Roma patients who were allegedly unequally treated in the access to health services. To date only one of these cases resulted in conviction which proves the existence of a medical mistake in the way the patient was treated, and that the doctor performing their profession has not acted in accordance with the medical science. However, the patient is waiting for three years already to get the health service, i.e. to be placed artificial joint.

- **Ethnic polarization in the media.** This phenomenon results in a dominant reporting for one's own ethnic community only. Moreover, according to several studies, there is a parallel media reality created and it happens that different ethnic groups report differently for the same event or through the prism of their own ethnic group. As noted in the research conducted by MIM, Roma are reported in the media in a negative context mostly, which generates a stereotyped image of this community. On the other hand, civil society organizations working with this ethnic group noted that Roma are marginalized in the news program and even when there is a good story the media are often unwilling to cover.

In the 2013 Report of the European Commission there is a confirmation about the existence of a discrimination of Roma people, particularly of Roma women, „including continuous stereotyping in the media and on social networks".[92]

Priorities in the cooperation between the CSOs working in the area and the media

- **Reducing prejudices against other ethnic groups**

Journalists and the media should be more sensitive when reporting on issues related to members of other ethnic communities, especially Roma, in order to reduce prejudice, stereotypes and hate speech toward these groups, which stubbornly persist not only in traditional but also in the new and social media.

In many situations in the past, when incidents occurred of interethnic or interreligious character (fights among young people in buses, incidents on sports fields, killing of five people near the Lake of Smilkovci etc.) there was a sensationalist media reporting observed

91 Association for Emancipation, Solidarity and Equality of Women (ESE) and group of Macedonian civil society organizations (2013) Submission to the UN for preparation of the Universal periodic report.

92 European Commission (2012) Progress report on the Republic of Macedonia. Page 21. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf

in several media, and the "incidents were fully framed in an ethnic context, an atmosphere of tension and potential conflict was created and hate speech used in which, despite the deliberate stereotyping, there were elements present of racism, stigmatization, segregation, discrimination and xenophobia".[93] Therefore, journalists should have a professional and critical distance from the events, to cautiously check each information and not allow to be manipulated by any side, researchers from the media sphere recommended.

In addition, children and other members of the Roma ethnic community are often represented as dependant on other's help and from the society and not as persons able to contribute to the community.[94] An example for encouraging stereotypes is the one related to media coverage of the World day of Roma in Macedonia. More specifically, media published only footages and news items that their life is poor and desperate, without covering positive examples or personalities from the life of Roma. This media profiling contributes to the enhancing of stereotypes.[95] Hence, international organizations appeal for promotion of a positive approach in the treatment of topics related to this ethnic community, and instead of images causing sorrow they should cover images that reflect dignity of the person, engagement and inclusion.

It should be noted that there are cases when the governments themselves participate in creating of a discriminatory discourse or act with discrimination against certain ethnic communities. Media should draw the attention of the public in cases when the state/authorities discriminate citizens on the basis of ethnicity, as in the case with the Roma people who wanted to travel abroad but were returned from the Macedonian border just because they matched some pre-determined profile of asylum seekers. This is an example of pinpointing and discrimination for which the institutions went silent, but it was detected and identified by the media.

Media organizations, as well as the media themselves should react and condemn this humiliating stance (word, video, photographs) of their colleagues, in compliance with the professional and ethical principles and through the mechanisms available (Court of Honour, Code of ethics).

However, civil society organizations working in the field should be more active and increase public pressure by sending alerts to the media when registering instances of discrimination, as well as by effectively promoting positive themes that will distort the negative images of the ethnic communities.

- **Inclusive journalism**

The issue of media pluralism and diversity of contents in the European media policy is emphasized as a central aspect of the right to information and freedom of expression, as provided in Article 10 of the European Convention on Human Rights. Media plural-

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93 SJPR (2012) „Press release on the coverage of violence in public transport 2012." Retrieved from: http://www.unescochair-vs.edu.mk/index.php?option=com_content&view=article&id=98&Itemid=38&lang=mk

94 UNICEF web page (2013) „UNICEF promotes positive representation of Roma children to overcome stigmatization and discrimination". Retrieved from: http://www.unicef.org/tfyrmacedonia/macedonian/12189_16497.html

95 SJPR (2011) „Key findings from the qualitative research of attitudes, perceptions and practices of newsrooms in relation to diversity reporting". Skopje: SJPR. Retrieved from: www.vs.edu.mk

ism has different dimensions, one of which is providing *cultural pluralism* in the media, which means fair presentation and expression of different cultural and social groups in the media, including ethnic, linguistic and national minorities.

Several studies raise the question of the integrative function of the media, which is particularly important for the Macedonian multicultural society. Although this require-ment is by definition a duty of the public broadcaster, still the integrative dimension should be nurtured by commercial media as well. These findings are contained in the research of the School of Journalism and Public Relations in which the journalist com-munity is encouraged to seriously debate on the integrative role and influence of the media in the Macedonian society.[96]

In contrast to these commitments and recommendations, the practice of monitor-ing the activities of civil society organizations that belong to the same ethnic community is apparent in several media, which creates parallel media coverage within the various ethnic groups living in Macedonia.

An additional problem is the „centralized" reporting, i.e. the major CSOs working mostly in Skopje always have a higher priority in the media, unlike those that are active at the local level. According to the attitudes of some CSOs that MIM collaborated with in the drafting of the White Paper,[97] the local media are a primary source of information for the political, interethnic, cultural and other relevant events within the local community, hence they are an important mechanism that citizens can use to participate in the public life of the community, to articulate their interests and influence the decisions of authori-ties. Still, the reality has shown that there is a minimum production of topic related to the interethnic relations and the issues related to human rights on local level.

Civil society organizations also emphasize the need for increasing of „media sensitiv-ity" when reporting, as well as the need of training of journalists and editors on human rights, ethnic and gender sensitivity, as well as for the current problems of concerns to the local communities.

- **Involvement of CSOs in the creation of public policies**

The Government has a negative perception of the CSOs, particularly of those that are critically inclined towards its policies, as some of the analyses indicate.[98] As a prob-lem identified in the recent years was the establishment of civil society organizations organized by the Government or the so-called GONGO (Government organized NGOs), which responded with contra-protests at the protest of the civil society sector, by pro-moting or justifying Government's policies and measures. The recommendations by the international organizations are that the state should show greater openness towards

96 SJPR (2011) „Diversity reporting in Macedonia" (2012) and „Qualitative analysis of the media coverage of interethnic and interreligious issues in Macedonia". Retrieved from: www.vs.edu.mk

97 Based on the suggestions by the civil society organizations Centre for Development of the Community Media MEDIUM and Roma SOS

98 USAID (2012) CSO Sustainability Index for Central and Eastern Europe and Eurasia. Retrieved from: http://www.usaid.gov/europe-eurasia-civil-society/cso-sustainability-2012/macedonia

the civil society sector and involve it in the policy creation process. The European Commission recommends that cooperation and dialogue between the Government and civil society organizations should be advanced, particularly with the CSOs working in the area of social reforms, gender and sexual equality, Roma, LGBT population, etc.

II.4. PRIORITIES IN THE AREA OF RIGHTS OF PEOPLE WITH DISABILITY

Domestic and international organizations[99] conclude that people with disability in the state face problems and discrimination in the access to health care and to other public and social services, education, employment, public transport and other areas. In relation to the legislation referring to this area, the state ratified the UN Convention on the Rights of Persons with Disabilities in 2011, committing to respect the rights and create conditions for a dignified life for these people through their effective involvement and participation in all spheres of society and by creating equal opportunities and providing appropriate access to all goods and services. The National Strategy for Equal Rights of Persons with Disabilities (2009-2010) was adopted and a National Coordination Body for equal rights for people with disabilities was founded. Additionally, the anti-discrimination legislation prohibits discrimination on the basis of physical and intellectual disabilities. Despite this, the European Commission, in its report in 2013[100] concluded that the implementation of the documents adopted is slow and limited and the social integration of persons with disability remains insignificant.

This part of the White Paper, referring to the persons with disability, was produced in partnership with the association *Open the windows*, which promotes an access to the information technology in all spheres of the society for eight years already, and it works on a USAID Project for e-access education for four years, in order to improve education opportunities for pupils with disability in the regular primary schools, by using assistive information technology. Based on the information by *Open the Windows*, there is no statistical data in the country on the number of persons with disability. It is considered that between 8-10% of the population in Macedonia has some kind of disability. The experience of this association confirms that even though supportive legislation is being gradually adopted, the practice has shown that these citizens face lack of opportunities, marginalization and discrimination in the society. When writing this part of the White Paper, reports from the Ombudsman's office, the State Department and the European Union were consulted.

- **Education**. The Ombudsman has identified an increase of the number of complaints related to the rights of persons/children with disability in 2012. There were problems identified in the exercising of the right to education for the children with disability included in the regular education system, even though the state promotes the concept of inclusive education. The Ombudsman emphasized in the report that children with disability, depending on their condition, should be enrolled in the regular education and have an equal treatment as the other children, without any discrimination and prejudices, be

99 Ombudsman (2012) Annual Report regarding the level of securing, respect, improvement and protection of human rights and freedom. Pages 79-81 and State Department (2012) Country Report on Human Rights Practices.

100 European Commission (2012) Progress report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf

accepted by the community and conditions to be provided for regular attending of classes with an expert assistance for easier learning of the material. The report by the State Department indicates the Ministry of Education did not succeed to provide special educational services for persons with disability, although they are included in the education system.

The European Commission in its 2013 Report notes that there is still no systematic data collection and database for children with disabilities, who remain the most sensitive group. Their social inclusion is hampered by social stigma, discrimination, lack of adequate infrastructure and access to social services. There are estimates that only 15% of children with disabilities are included in the education system.[101]

There is no systematic evidence of students with disabilities

The association *Open the Windows* conducted a nationwide survey on the application of assistive information technology in the country in 2010, which contains data on the presence of students with disabilities and accessibility of schools. The research concluded that the data for the presence of students with disabilities are indicative and unofficial, because there are no established systematic procedures for their recording and monitoring. The research concludes that students with special educational needs generally face difficulties in using standard computer equipment in schools, which is far more pronounced in rural than in urban areas. This is partly due to the lower percentage of use of computers in schools in the villages, but probably due to the decreasing availability of computers for children in rural areas outside of schools, as well.

Furthermore, the survey found that assistive technology is hardly used in regular primary education, i.e. there is an absence of a systemic initiative to provide assistive devices and that there is a lack of knowledge and skills to use the accessibility options already available as part of software packages installed in primary schools.

Open the Windows established that there is a significant need to improve the accessibility of schools, both in physical terms and in terms of the capacity of school staff to work with students with special educational needs (special education teachers), and upgrading of the knowledge and skills of teachers making individual instructional plans according to the individual needs of students.

• **Employment**. In terms of employment of people with disabilities, the Ombudsman and the Report from the State Department indicate that, even though there is a favouring legislation, there is a lack of its consistent and full implementation. Beside the legal benefits that certain companies get as result of employing people with disabilities, the civil society organizations noted that these opportunities are still limited and the low salaries that are offered to the people with disabilities discourage them to seek an employment.[102] The Government undertakes particular measures, such as the employment

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101 European Commission (2012) Progress report on the Republic of Macedonia. Page 46. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf

102 State Department (2012) Country Report on Human Rights Practices. Retrieved from: http://www.state.gov/documents/organization/204523.pdf

of 300 persons with disabilities in the administration (announced in November 2013), but these activities should be systematic and bring long-term results.

- **Visibility and promotion of the rights of people with disabilities.** The Association *Open the Windows* concludes that the media rarely raise questions related to disability in a way that promotes active participation and inclusion of people with disabilities in mainstream society in a variety of programs or in the news programs. It happens that the media more often transfer media stats and figures or stories to trigger empathy and compassion among viewers. Still, we must not neglect the positive impact that media stories have made in the lives of persons with disabilities. By identification of different cases forgotten by the state, media often triggered action by civil society organizations and citizens in order to help people with disabilities or have put a pressure on the authorities to respond. Still the civil society organizations that work with people with disabilities appeal to the media to cover more affirmative stories that will present them as equal citizens that contribute in the society.

Priorities in the cooperation between the CSOs working in the area and the media

- **Sensitizing journalists on topics related to persons with disabilities.**

The media coverage rarely includes themes related to the rights of persons with disabilities, which depends in part on the ability of journalists themselves to recognize the problem or to "recognize" a story. This is due to the insufficient knowledge of the area by some journalists, as reflected in the texts focused to this topic, which are found as sterile and reporting on the "surface", use of inappropriate terminology, and even violation of the rights of these individuals, especially of children by the media themselves. According to the experts' analyses,[103] „journalists should be particularly careful when using terms for indicating discriminated communities and groups, because one of the most widespread forms of discrimination is the negative and disrespectful linguistic identification. A special ethical challenge is the use of respectful terms for people with disabilities, because the language that does not respect can cause a feeling of exclusion." Because of this, it is necessary to sensitize journalists and introduce them with domestic and international regulations, such as, for example, the Convention on Persons with Disabilities.

It is necessary to raise awareness among journalists and the public about the fact that people with disabilities do not require additional rights, but they want to enjoy the same rights as all other citizens. And effective institutional mechanisms are necessary to be established to observe these rights.

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103 Trajanovski, Zarko. „Why the media ignore the problems of people with disabilities". Web-page Service for checking the facts in the media. Retrieved from: http://mediumi.vistinomer.mk/zoshto-mediumite-gi-ignoriraat-problemite-na-licata-so-poprechenost-1/ (I part) and http://mediumi.vistinomer.mk/zoshto-mediumite-gi-ignoriraat-problemite-na-licata-so-poprechenost-2/ (II part)

- **Increased coverage of topics related to disability in the media.**

According to the perceptions of civil society organizations, media lack thematic issues or articles that will deal with issues of disability, as well as personal stories from everyday life, such as, for example, the show „Tunnel" on MTV 1. Media products (shows or texts) dedicated to this category of people should be free of sensationalism, drama or compassion. Rather, they should promote affirmative approach and show how these people can contribute to society with their engagement. This approach is more suitable than producing a variety of specialized programs for marginalized groups, because such programs are broadcasted outside prime time and have a very small range, to a limited segment of the audience. Through an inclusive approach to issues related to disability, which would have received adequate space in the media, the general public can meet the challenges faced by people with disabilities. This is one of the ways in which public awareness can be affected in general, but also to inform the persons with disabilities and members of other marginalized groups for the rights they have as well.

- **Increased cooperation between the CSOs and the media.**

It is necessary to intensify cooperation between civil society and the media sector, with the CSOs "feeding" the media with information about the situation in practice, enforcement of regulations, or to alert them when there is a violation of human rights in individual cases or to promote "positive" stories. The inclusion of these topics in the media agenda can contribute to creating pressure on institutions for more effective protection of human rights of these vulnerable citizens.

Thus, for example, *Open the Windows* indicates that the topic inclusion of students with disabilities in regular educational process is almost not present in the media. The topic covers many issues that can be made newsworthy in the media, and it will help to inform citizens of their rights, such as regulations on enrolment in schools and universities, staffing of professional teams, expert assistance to the teams to work with pupils and students with disabilities, accessibility of facilities, introduction of modern methods of work, e.g. assistive technology, presenting of success stories etc.

However, journalists continuously emphasize the need for "people who will talk" in the story. CSOs can help enable journalists to establish contact with the citizens whose interests they represent. Citizen activists need to understand and explain the people they work with that by releasing of their stories and the challenges they face, they can assist the others and will impact on raising public awareness. Journalists, on the other hand, need to ensure the privacy of persons with disabilities who want to tell their story. This can contribute to an easier inclusion of people with disabilities in the society.

II.5. PRIORITIES IN THE AREA OF THE RIGHTS OF THE LGBTI-PERSONS

One of the biggest objections to the Law on Prevention and Protection from Discrimination highlighted by international and domestic organizations is that the definitions do not include sexual orientation and gender identity as grounds for discrimination. In recent

years there were several incidents registered involving members of the LGBT community and their activities, which included the use of inappropriate or abusive language and physical abuse. The Government has been pursuing a campaign that promotes traditional family values and at the same time repeatedly revived the constitutional amendment that would require the definition of family as a union solely between a man and a woman. The final draft of the ruling party was supported by a parliamentary majority in 2013.

The European Commission and the State Department in their reports for 2013 and 2012 conclude that the LGBT community continues to be subject to discrimination, stigmatization, abuse and a target to degrading speech, even by the media. The Committee on the Elimination of Discrimination against Women within the UN noted the failure of the state to prohibit discrimination based on sexual orientation and gender identity.[104]

Otherwise, in October 2012 the first LGBT Support Centre was opened at the Old Bazaar, as a subsidiary of the Helsinki Committee for Human Rights. The mission of the LGBT - Support Centre is to strengthen the LGBT community for self-representation as well as for changing legal and social status of LGBT people in Macedonia. The Centre provides assistance to other formal and informal groups and associations working in the field of human rights. Since its opening, the Centre was attacked 5 times, and only one court case got resolved.

In terms of journalist's treatment of topics related to marginalized people, including the LGBT population, the research *„Media and marginalized communities"[105]* conducted in 2011, identified several strategies that journalists use when reporting on these topics: inclusion/exclusion (whether they are provided sufficient space, whether they are ignored by the media and marginalized, whether they are reported in a non-sensational manner); predicative strategies (creating of negative stereotypes, moralizing, criminalizing of the members of marginalized groups) and argumentative strategies (whether there is a media focus on discrimination of marginalized groups, minimizing of violence over them, legitimizing of exclusion, discrimination, repression of members of marginalized groups). All these trends are present in the media air, and the media themselves are not only transmitters of the messages coming from different centres, but also amplifiers and generators of the discriminatory discourse.

The European Commission in the Report from 2013[106] indicates that the media contents send across homophobic messages, due to which media professionals and owners should take greater responsibility in dealing with ignorance and intolerance towards these groups of citizens.

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104 Committee on the Elimination of Discrimination against Women (CEDAW) (2013) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia." Retrieved from: http://www2.ohchr.org/english/bodies/cedaw/cedaws54.htm

105 Trajanovski Zarko (2012) „Media and marginalised communities – The media discourse and discrimination towards members of marginalised groups." Skopje: Coalition "Sexual and health rights of marginalised communities "

106 European Commission (2013) Progress report on the Republic of Macedonia. Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

Out of the domestic organizations, the *Helsinki Committee* and the *Association for Health Education and Research – H.E.R.A* closely follow the situation with respect to the rights of LGBT people, because this part of the White Paper is based mainly on their expertise, consultations made with them, and the reports prepared by them.

• **Authorities as amplifiers of homophobia and transphobia.** According to the *Helsinki Committee*, homophobia and transphobia in our society are still very present, seen also through the attacks on the Support Centre, the attacks on activists at the organized "March for Tolerance", hate speech in the media and opinions expressed on social networks. An additional problem is the silence of the Government's institutions which did not condemn the spreading of hatred towards a certain group of people and indirectly promoted their exclusion from the society and did not condemn the violation of existing laws. The Committee believes that the representatives of the state authorities were part of the problem, which only strengthened the idea and the status of LGBT population as deviance in society.

• **Media as amplifiers of homophobia and transphobia.** The campaign against members of the LGBT community was supported and reinforced by the coverage of certain media that have forgotten or ignored their public responsibility towards all citizens equally. This is one more element in fostering homophobia and anger, which in some cases resulted even in violence. The activists and organizations working with the LGBT population face limited and selective access to the media and the information is often differently interpreted. In certain media the information flow was disabled or information was presented in biased manner, offering only a unilateral view of the situation in Macedonia. Besides restricting the media space, it could be noted that certain media directly participated in the homophobic campaign by publishing subjective information based on personal views.

• **Hate speech and physical attacks.** Besides attacks on LGBT - Centre, the members of this community are constantly exposed to death threats, hate speech, and even physical attacks or stoning, information from the *Helsinki Committee* show. The Committee concluded that state institutions have not taken a full investigation to find and punish all offenders. To the Committee this is an indicator that the state does not have a sufficient will to protect members of the LGBT community, and these people are at a disadvantage from other citizens.

> ### Report by *the Helsinki Committee* on the Recommendation by the Council of Europe
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> *The Helsinki Committee* prepared a shadow report on the implementation of Recommendation CM/Rec (2010) 5 of the Committee of Ministers of the Council of Europe (CoE) to combat discrimination based on sexual orientation and gender identity. The Committee concluded that the Macedonian authorities have not taken any steps to implement the recommendation of the Council of Europe. The Recommendation is neither translated into Macedonian language and the rationale of the Ministry of Foreign Affairs is that the recom-

mendations are non-binding on member states. At the same time, the Recommendation was not submitted to the competent institutions, nongovernmental organizations, and the LGBT community. At the same time, the *Helsinki Committee* submitted copies of the Recommendation to all institutions during the implementation of this Project. The translated Recommendation and its supplements were provided to all Members of Parliament. These are some of the conclusions contained in the Shadow Report:

- Sexual orientation was removed from the Law on Prevention and Protection from Discrimination as a separate basis, while gender identity was not at all taken into account in drafting of the Law.

- The interests and needs of the LGBT community were not taken into account in the drafting and adoption of the National Strategy for Equality and Non-discrimination, which includes only four grounds: ethnic origin, age, mental or physical disability.

- Same-sex couples are discriminated against in Family Law in comparison to the couples with partners of the opposite sex, but authorities do not take action to solve this problem. Same-sex couples are not protected from domestic violence under the Family Law.

- There are no clear and precise procedures to change the personal identification number, which is necessary for legal recognition of change of sex in the case of transgender person, because it creates confusion in the proceedings both among civil servants and transgender people themselves.

- Although the state offers endocrinological and psychological treatment that the transgender people need, they are neither effective nor appropriate, because there is no practice, neither professional training for health workers in cases of transgender people. The state does not offer surgery for changes of sex and there is no evidence of reimbursement of funds from the Fund for Health Insurance, even in cases where people have done surgery abroad with their own funds.

- In the field of sport, the authorities do not make additional efforts to overcome discrimination based on sexual orientation and gender identity, as well as hate speech.

- In the area of health, except the prevention programs and behavioural studies within the Global Fund to Fight HIV/AIDS, malaria and tuberculosis, there are no other programs and services available to LGBT people.

- Although in our classification of diseases, sexual orientation is not an illness, authors of textbooks for secondary and higher education use interpretations, opinions and classifications that are not based on the modern scientific thought and the definitions of the World Health Organization, and are not in accordance with the existing official documents for classification of diseases/disorders.[107]

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107 Helsinki Committee for Human Rights of RM and LGBT – Support Centre (2012) Report for the implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on the measures against discrimination on the basis of sexual orientation and gender identity in the Republic of Macedonia. Retrieved from: www.mhc.org.mk

Priorities in relation to the cooperation between the CSOs working in the area and the media

• **Prevention of intolerant speech by the authorities**

Public debate on specific issues related to members of the LGBT population was in certain cases prompted by prominent politicians. Government officials and public figures should refrain from incorrect, inappropriate and offensive language towards certain categories of citizens, especially considering the members of the LGBT community, regardless of the fact that these people are not covered by anti-discrimination regulations. In a society that aims to foster tolerance towards others regardless of differences, encouraging homophobia violates democratic values. Additionally, public figures need to be aware of their responsibility and power of every word spoken publicly since it is reflected in the media and creates the awareness of people. That is why the European Commission's report in 2013 calls the authorities at all levels to make greater efforts to raise awareness and promote tolerance.

The media in most cases in the past only took the rhetoric of politicians without making a professional and critical distance, and in some situations they even prompted it. The media coverage depended on their political inclination, and they led the debate in this regard, most often by not consulting the civil society organizations working in this area.

• **Prevention of discrimination, stereotyping and hate speech in the media**

According to the perceptions of the *Helsinki Committee* and *H.E.R.A*, media reports often contain intolerant speech towards certain marginalized groups, such as, for example, the LGBT community, thus actually reinforcing stereotypes and prejudices towards these people in public. In the past period, there were cases observed where some media attended or led homophobic campaign towards certain marginalized groups, and by transmitting of the statements of public figures the media often repeated and reinforced homophobic discourses. The Code of Ethics of the Macedonian journalists condemns spreading of discrimination and hate speech, as well as the expressing of subjective information based on personal views in the media, unless it comes to the genre commentary, which should be clearly marked as such. The need for professional, ethical reporting, enabling of access and presenting of all sides of the story remains an imperative for every journalist. Additionally, in many cases in the media community the so-called "unprincipled solidarity" have been identified, i.e. journalists are mostly silent on the texts of other media thus, intentionally or not, acting with "solidarity" for the colleagues. Such a behaviour of the media does not contribute to the promotion of human rights. The journalistic community and media organizations need to activate self-regulatory mechanisms and condemn offensive, indecent or hate speech towards certain groups in the society.

The *UN Committee on the Elimination of Racial Discrimination*, in its recommendations to the state back in 2007, emphasized that effective measures should be taken to

implement the Code of Conduct, which prohibits hate speech in the media, but also criminal sanctions provided for in Article 319 of the Criminal Code against journalists that promote discrimination, racism and interethnic tension and hostility in the media should be applied.[108] Despite the time difference of seven years, these recommendations are still relevant because the situation exists and is not sanctioned.

European Union in its 2013 Report for 2013 ascertained homophobic content in the media, because it invites media professionals and owners to take more responsibility in dealing with ignorance and intolerance towards members of this community.

- **Need for comprehensive reporting on sexual and reproductive rights**

Media reports related to human rights, including sexual and reproductive rights, have to be based on comprehensive information focused on a specific case, activists from the *Association of Health and Educational Research – H.E.R.A* recommended. The problem reported by the civil society organizations is that media often transmit partial information, sometimes in a „sensationalist" manner, not based on the facts related to the case. Thus, citizens get a partial and distorted image of the situation or the case.

Cooperation between CSOs and the media should be aimed at alerting when a problem arises related to this area, in order to achieve greater media coverage of the topics and raise public awareness in general. On the other hand, the media should systematically monitor the area and report consistently, not only when there are special occasions related to the issues in this area, but should also report about positive stories in order to change the negative perception of these people.

- **Need to protect the identity when reporting on marginalized groups.**

Media reports often contain information or images that, directly or indirectly, reveal the identity of the persons. This is especially worrisome when it comes to members of marginalized groups, i.e. persons living with HIV, members of the LGBT community, drug users or sex workers. But the media, in collaboration with CSOs, need to bring human stories in a professional and ethical manner, by not hurting the dignity and rights of these people. Namely, the stories of lives of these people, problems and prejudices faced are easily catching reader's attention through concrete examples, in which the identity of the interviewee will be protected at his request.

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108 UN Committee on the Elimination of Racial Discrimination (2007)) „Concluding Observations on the combined fourth and fifth periodic report of the Former Yugoslav Republic of Macedonia." Paragraph 9. Retrieved from: http://www.refworld.org/country,,CERD,,MKD,4562d8b62,469b2f9b2,0.html

II.6. PRIORITIES IN THE AREA OF YOUTH RIGHTS

In Macedonia there is no regulation that includes young people aged 15 to 24 years, although such a law was proposed by the Government, but withdrawn from the parliamentary procedure in October 2011, in order to ensure wider consultation with youth organizations. Government in 2005 adopted the National Youth Strategy, and in 2012 adopted the first Action plan for youth employment, due to the extremely high rate of unemployment among the youth. However, the result of the implementation of these documents still remains to be seen.

Strategies and action plans are created for youth at local level, designed to regulate youth participation in policy-making at the local level, but also to meet the needs of youth. The strategies for youth complemented with action plans should offer ways on how municipality can help young people, which will keep them in environments where they live and will motivate them to contribute to community development. The perceptions of civil society organizations working in the field are that municipalities do not sufficiently care about the needs of young people and often put them at the end of their priorities. Although there is cooperation between institutions and civil society, the problem is that institutions underachieve in the implementation of the planned activities in the various documents relating to the rights of young people and their protection. Institutions need to rely on cooperation with CSOs if they want to identify the problems of young people in the right way and respond to them.

This section of the White Paper was prepared in collaboration with CSO *Multikultura* from Tetovo and in the identification of problems data is used from research of other youth organizations and international institutions. Some of the key problem areas and priorities faced by young people in Macedonia are listed below.

- **Low level of awareness on rights of youth.** Awareness among young people about the rights they have, the ways and mechanisms through which they can achieve them is at a very low level, not only among young people, but also among the media and the public in general. Students, for example, are aware of their right to education, but not for the rights that protect them from discrimination and abuse, CSOs *Multikultura* explains, as result of their years of experience and work in the area.

- **Unemployment**. Unemployment is one of the main problems that young people face. Based on the statistics by the International Labour Organization, up to 53% of young people in Macedonia were unemployed in 2011,[109] which is the highest rate in the region, although this is a problem on European level as well. According to estimates by the youth organizations, young people wait for an employment 5 to 7 years after graduation. Youth organizations indicate the data that 25 percent of highly skilled personnel leaves the state and, according to some studies, 50 percent of high school students do not see themselves in the country in next 10 years.[110] It is noted in the EU Progress re-

109 International Labour Organization. Retrieved from: http://www.ilo.org/budapest/information-resources/press-releases/WCMS_192029/lang--en/index.htm

110 Radio Free Europe „High level of unemployment among youth", April 2013. Retrieved from: http://www.makdenes.org/content/article/24947065.html

port for 2013 that the Government has developed strategies to prevent „brain drain" of people with high education, but results are yet to come.

- **Education.** According to the research by *Multikultura* conducted with students of the two universities in Tetovo, problems in this area are focused at the absence of quality education, insufficient validation of knowledge, overproduction of qualified personnel for positions that are not scarce in the state, but also nepotism and buying of diplomas. *Multikultura* considers that there is a need of a comprehensive strategy on education and stimulation of students to get enrolled in study programs that offer higher prosperity, instead of training staff for which there are no sufficient vacancies in the state.

The European Commission in its 2013 Report addresses the problem of mismatch between the skills of graduates with the needs of potential employers. Despite the changes in the regulations in order to implement the European standards in education, training and youth, adoption of a strategy for reform of the vocational education and the establishment of a principle according to which the practice should become a compulsory part of education, little progress has been achieved in terms of envisaged reforms, the Report concludes. However, the European Commission outlines the steps the state has been taking to improve the infrastructure and quality of education at all levels.

In addition, several youth organizations advocate for stronger cooperation between educational institutions and civil society, in order to promote non-formal education as a method of life-long learning. Civil society organizations, including *Multikultura*, call for greater openness of educational institutions when it comes to this topic.

- **Involvement in policy making.** There is a need of greater and active involvement of young people in policy-making at local and central level, because they are best acquainted with the needs and problems of this age group. These are some of the recommendations of the international institutions, under which young people should be encouraged to participate and be active citizens. The establishment of youth councils in municipalities means a step forward to improve the position in the field of youth participation in decision-making on key issues for youth work. With the establishment of the National Youth Council (NYC) in 2013 it is expected to encourage and intensify youth participation in policy making processes. The main role of NYC will be representing the needs and interests of young people and youth organizations, capacity development of the youth sector, promotion of youth participation and active citizenship, as well as advocacy and action on behalf of young people. In practice, a representative body as a national youth council is a body that has to outline and discuss youth policies and be a partner in the processes of consultation and decision-making related to youth.[111]

- **Interethnic tensions among youth.** Tensions and fights are present in schools, streets and sport competitions among young people from different ethnic communities in recent years, which is a problem that is noted in reports of domestic and international organizations. In many cases in the past, the media covered these incidents from a uni-

111 Web-page of NYC. Retrieved from: http://nms.org.mk/nms/shto-e-nmsm/

lateral ethnic perspective, only in the cases when there were people attacked and injured from a single ethnic group, while ignoring similar incidents involving young people from other ethnic communities. Such single-sided media reporting only leads to reinforcement of tensions, spreading of intolerance and xenophobia towards the "other".

> ## Priorities related to the cooperation between the CSOs working in the area and the media

- **Increasing awareness about youth rights**

The rights of young people are insufficiently explored area in Macedonia and awareness even among this category of citizens about their rights is low. Although several NGOs work on training related to youth rights, still the influence that the media have on young people, especially online and social media, can help to raise the awareness for youth rights. Civil society organizations need to harness and direct their campaigns and communication strategies to target these groups and types of media.

Only a small number of organizations, including the *Youth Educational Forum* and the *Metamorphosis* Foundation, do some research in the area of youth and their relationship with the media. But there is an evident need for more research, whose results will show the focus of the attention needed by civil society organizations and institutions to increase awareness about the rights of youth and their effective protection.

- **Increased cooperation between the media and CSOs**

More research shows that the media have a great influence on youth and because of this reason they are the right place through which civil society organizations can promote their activities and reach out to them. Issues related to youth and CSOs advocating their rights are at the side-lines of journalist's and media interest. It is necessary to strengthen cooperation between the media and CSOs, in a way that more content covering youth could be promoted, and "packed" in an attractive way to reach to their attention and to the attention of the general public. In this context, CSOs need to improve their skills in communicating with the media, to enhance their ability for lobbying and activism, which are some of the ways to attract media attention. On the other hand, the media need to look for creative forms of media products that will present problems and challenges of young people in an appropriate way. Only by "synergy" in cooperation, media and civil society organizations can contribute to awareness raising and educating of young people about their rights and mechanisms for their protection.

- **Spreading of tolerance and good values**

Cooperation between CSOs and the media is necessary especially in preventing conflicts, misunderstandings and tensions between young people from different ethnic communities. Many times the way media report means using of intolerant and abusive speech, thus actually emphasizing or enhancing the discourse of intolerance. The media

and journalists should be especially sensitive when reporting on situations of conflict or tensions, reflecting all aspects (sides) of the event, carrying messages of tolerance and coexistence, especially in a multi-ethnic society like ours.

II.7. PRIORITIES IN THE AREA OF DIGITAL RIGHTS

Digital rights involves a set of basic human rights in the digital environment, which include the right to privacy, the right to protection of personal data, the right to freedom of expression and speech, copyright, right of information and so on. European Digital Rights – EDRI,[112] as a kind of an umbrella organization of forty different organizations representing civil rights in the field of information society, defines digital rights in this way, while being guided by the directives and regulations of the European Union. A special feature of these rights in the information society is that they are often practiced and implemented together as a package. This is due to the unifying concept of information technology and new digital media.

According to the experts, digital rights are a sphere in which more related rights overlap. New technologies allow for greater benefits, as well as opportunities for damage to a much wider circle of people and violations of human rights.

Digital rights are covered by the Resolution on promotion, protection and enjoyment of human rights on the Internet, adopted by the UN Human Rights Council on 5th of July 2012.[113]

In the writing of this section of the White Paper representatives of *Metamorphosis*, Foundation for Internet and Society, which has been working in the information sphere for 14 years, were involved.

- **Legislation and enforcement of legislation.** Many of the issues of digital rights in Macedonia are already covered by the Law on Personal Data Protection, the Law on Electronic Communications, the Law on Broadcasting, the Criminal Code and the Law on Civil Liability for Defamation and Insult, as well as several other laws. Since the rights and obligations of citizens in the digital world should have the same value as outside of it, in a general case there is no need to enact special legislation that will address the digital sphere specifically.

Although relatively new and specific area, digital rights spotlighted the attention when for some reason questions were raised about legal regulation of certain segments of society that touch upon or concern the digital rights. It was a case when initiatives were organized to regulate the protection of personal data, when parliamentary procedures were started for amendments to the laws governing the monitoring of electronic communications and the like.

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112 European Digital Rights – EDRI. Retrieved from: www.edri.org

113 The United Nations Human Rights Council Resolution "The promotion, protection and enjoyment of human rights on the Internet" http://bit.ly/RlGqcm. More on: Intellectual Property Watch. (05.07.2012). New UN Human Rights Council Resolution on Internet Rights http://bit.ly/LWIS4a.

Particular attention in this regard in the last two years was caused by the Government's initiative to adopt new media legislation, in which the most problematic was the intention of the proponent to cover all types of media - broadcasting, print and electronic media. It was proposed that a new regulatory body - Agency for audio-visual media should be responsible for laws enforcing as a „successor" of the Broadcasting Council (BC) - which would again be under the direct control of the ruling political subjects because of the manner of appointment of its members. The dominant media community, experts, civil society organizations and international institutions dealing with freedom of expression responded to this intention of the legislator.[114]

Some of the expert media organizations paid special attention to the proposed rigid legal regulation on the new media and Internet. The international organizations also, such as the Association of Progressive Communications (APK),[115] based in Johannesburg (South Africa), raised an issue around the possibility in the law to decide about the role and the duties of journalists, editors, bloggers and other members of the media community. An additional problem in the law is that the „persons that want to inform the public" through print and electronic publications, should register themselves in the new agency, which will have an arbitrary power to interpret the law. For example, due to the superficial definition of media publishers, individuals and CSOs face the risk of impossibility to register information portals. If despite this, there is a decision to establish such portals, they can be fined. With these provisions, the proposed law limits the freedom of information and freedom of speech online. Metamorphosis warned that "the Internet is the only remaining free space for critical public discourse and public expression. Government threatens the last arena for free speech."

• **Freedom of speech versus hate speech on Internet.** It is of significant importance to promote freedom of expression by dealing with hate speech present on the web as a result of the activities of key political actors, their media supporters and inactivity of institutions under their control. Firstly, it is important to deconstruct hate speech as "verbal violence" or abuse of the freedom of expression aimed at encouraging violence or creating a climate in which violence is encouraged.[116] While cases of open hate speech in the media are relatively rare, they are full of coded messages for followers of certain ideological or party options, who then interpret and disseminate them in a less sophisticated form through social networks, comments under articles on portals and forums (whose administrators permit this). Such defined sources of hate speech are

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114 AJM, Journalists Syndicate, MIM, Front for a Freedom of Expression – platform composed of 9 CSOs, such as the Helsinki Committee for Human Rights of RM, Centre for Development of the Media, Metamorphosis, Civil, FOSIM, NGO Infocenter, Coalition "Sexual and health rights of marginalized communities", MCEO, Javnost, Jadro and Kontrapunkt (www.sloboda.kauza.mk). Expert opinion in the same direction was provided by the Council of Europe and OSCE and a concern was expressed by representatives of the EU and USA.

115 Association for Progressive Communications. Press release: „APK: Macedonian Government tries to limit the freedom of speech on Internet and to strengthen the control over media", June 4 2013. Retrieved from: http://mdc.org.mk/mk/apc-makedonskata-vlada-se-obiduva-da-ja-ogranici-slobodata-na-govorot-na-internet-i-da-ja-zajakne-kontrolata-vrz-mediumite

116 Recommendation: Lecture by Roberto Belicanec on hate speech at the conference „Engage" in Skopje, available in a video-format: http://www.youtube.com/watch?v=Rj7fYOuI79k

subject to reactions of media organizations, *AJM* (Council of Honour), *MIM, Centre for Development of Media,* and other organizations working on preservation of freedoms in the digital space. Such are, for example, the analyses on application of journalistic standards through the Service to check the facts from the media, component of the US-AID Project for media support in Macedonia, which is implemented by *Metamorphosis* (http://mediumi.vistinomer.mk). The purpose of this analysis is to leave a public trail of abuses to serve for educating of citizens.

On the other hand, the existence of hate speech on social networks is used as an excuse for threats and repressive measures by the authorities (e.g. police silences peace groups and events on Facebook) and for introduction of new laws to further spread their control.

At the same time, authorities do not sanction and even refuse to initiate appropriate criminal proceedings in cases of incitement of violence through the print and digital media.

• **Digital literacy.** In a situation when most of the population uses new technologies on a daily basis, both in the form of Internet access via computers or mobile phones, the concept of digital literacy gains wider significance than just an ability to use certain software. In XXI century digital literacy includes awareness of how new technologies affect the lives of individual citizens, how they can advance or endanger basic human rights and allow direct involvement in social processes that influence the individual's life and the life of the community.

A certain level of discomfort (i.e. technophobia) or resistance when initiating issues in these areas can still be seen among part of citizens and journalists who haven't been so much "exposed" on the influence of digital technologies as in the case with the new generations, because of the prejudice that it requires expert knowledge that only highly skilful IT people possess. Rather, as the closely related concept of media literacy should not be monopolized by those who work in the area of communications only, similarly digital literacy (with which they overlap due to media convergence) has to become a field of interest for civil society and the media, regardless of the fact that they are already specialized in coverage of certain areas and issues.

• **Protection of privacy of communications on Internet from an uncontrolled supervision.** *The Media Development Centre* (MDC), the Foundation *Metamorphosis* and the *NGO Infocenter* urged that the Republic of Macedonia should assess whether the national legislation and the activities in the field of monitoring of communications is in accordance with the obligations undertaken in the field of international human rights.

These organizations point out to the international principles against uncontrolled monitoring and supervision of communications[117] aimed at regulating of this area. These principles, for the first time in history, established a framework for evaluation of the practices of monitoring and supervision in the context of international obligations in the field of human rights. The thirteen principles presented to the UN Human Rights Council are: legality of restrictions on privacy; restrictions should have a legitimate aim and be

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117 Web-page of Necessary and Proportionate. Retrieved from: https://NecessaryandProportionate.org

necessary; monitoring of communications should be appropriate and proportionate to the objective; the decision for monitoring should be made by a competent judicial body; the rights of citizens should be respected and they should be informed for monitoring of their communications in time; the use of monitoring of communications should be transparent and subject to public scrutiny; integrity of communications and systems should be provided; to provide protective equipment in the international cooperation; as well as to provide protection from unlawful access to communications.

In order to strengthen the confidence of citizens in state institutions, and at the same time to provide their democratic functioning in the country, civil society organizations asked for obligatory establishment of mechanisms for civic control and accountability of state institutions that are authorized and possess equipment for monitoring and supervision of communications on Internet. Privacy is a basic human right guaranteed with the Constitution of the Republic of Macedonia and the protection of personal data should be raised to the highest level from all relevant stakeholders in the society: state, business and the non-governmental sector. The importance of this right is reaffirmed with the resolution *The Right to Privacy in the Digital Age*, adopted by the UN on November 26, 2013,[118] which says that people should have the same rights "online" as the rights they enjoy outside of the virtual world, which is especially true of the right to privacy. The resolution urges states to respect and protect these rights in the context of digital communications.

- **Privacy policies.** Web-pages, by definition, collect personal data about their users in an automated manner – in the server's logs there is an IP registered for each visit of the user's address and the contents he used, but also „manually" – by enabling users to leave data about themselves through comments, e-messages, etc. According to the existing laws and regulations in the Republic of Macedonia, the owner of the web-page has a role of a controller of these data and is obliged to establish a system of procedures which will provide their maximum protection.[119] The public reflection of this system is publishing of a privacy policy, a document that will explain to users the type of data collected, why and for what purpose. The publishing of a privacy policy is not a legal obligation, but it is a good practice that enables confidence building.[120] A relatively small portion of the Macedonian web-pages publish this kind of policies, e-stores being among the first ones, whose obligation has been imposed by the banks.

Media, in cooperation with the CSOs that are committed to protect human rights and the competent state body Directorate for Protection of Personal Data can provide a strong incentive to raise the entities that have their own web-pages on higher level of practice in this area.

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118 UN Resolution. The Right to Privacy in the Digital Age (adopted on November 26, 2013). Retrieved from: http://bit.ly/1fA6j47

119 Directorate for Protection of Electronic Data. „Comment on the Law on Protection of Personal Data" and Handout for practical implementation of the Rulebook for the technical and organizational measures for provision of secrecy and protection of personal data. Retrieved from: http://dzlp.mk/mk/elektronski%20izdanija

120 Metamorphosis. „Guide number 6: How to develop a policy of privacy?" Retrieved from: http://www.metamorphosis.org.mk/mk/izdanija-resursi/doc_details/131----6-------

- **Free culture and author's rights.** Although it seems that this is an issue of the economic or cultural field, author's rights in the digital world are directly connected with the exercising of basic human rights, among which the right to freedom of expression. Namely, the restrictive laws on protection of authors' rights in some countries are used as a means to silent critics on particular conditions and practices, such as: by fines for using parts of news, photography, doing parodies, software piracy, etc. On the other hand, the digital technologies and the possibility for their copying enable spreading of information and knowledge through a cooperation of people of all world in a way that has never been a case before, for which the most evident example is Wikipedia. The introduction to the basics of the system of author's rights, as well as the initiatives for its application in order to share knowledge such as *Creative Commons*[121] (for sharing of digital contents such as text, photography, music and movies) and *Free Software* (software with an open code whose utilization and upgrade are permitted by particular conditions) are part of the digital literacy. They are components of the movement called *Free Culture Movement* which also includes the initiatives to advance the public domain such as the pan-European network COMMUNIA,[122] the *Open Access Movement* to academic and scientific contents that could be verified with an expert control check, as well as the Open education resources movement (www.oer.mk) whose objective is to enable a complete digital availability of textbooks and teaching devices, as well as establishing of networks of cooperation, in order to raise the quality of education.

At a practical level, CSOs, and particularly the media, by involving themselves in these flows can obtain a minimum awareness on the ways in which they can legally and under fair terms download contents from Internet, without fearing that they will be prosecuted for some kind of piracy and in the best case on how to contribute to the development of an open world knowledge base, thus increasing visibility of their activities in function of their mission.

- **Development of e-governance: open data and e-participation.** State and local authorities in Macedonia, through various strategic documents and legal solutions, have an obligation to develop the system of e-governance, i.e. the infrastructure for electronic government' services which is shortly called e-government. Beside publishing press releases and coverage of events, this process is rarely a research subject for journalists, partially due to the perception that it is related with specialized technical questions in the area of software versus the fact that the essence of these changes is organizational (management and processes) and it refers to the implementation of already adopted provisions. On the other hand, the number of non-governmental organizations that participate or monitor these processes only from a technical viewpoint is very small. In order to identify the consequences and grasp the wider perspective, journalists could develop cooperation with organizations working on monitoring of institutions' work (watchdogs), which to a large extent is related with the use of new technologies.

After the starting impulse in the development of e-governance in Macedonia, which was evident in the period of several years after the adoption of the National Strategy for

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121 www.cc.org.mk

122 www.communia-association.org

Information Society in 2005, Republic of Macedonia marks a stagnation, according to the annual United Nations E-Government Survey.[123] In the period up to 2011, when the influential USAID e-Government project was closed down, the development of e-services that generate revenues for the state was identified as a priority. There is a large space left for development of e-services that influence the everyday life of individuals, and media and CSOs could assist in this development by articulating the needs of citizens, as well as their organizational needs, in general and in specific areas of interest.[124]

In a positive „scenario", e-government systems are used for increasing transparency and accountability of institutions, particularly in their proactive implementation of laws, such as, for example, the Law on Free Access to Public Information. Part of the institutions are obliged to publish data on their work, especially about the financial aspects, which then become more available through their analysis (for instance, *Transparency Macedonia* and the data from the State Audit Office) or a simple publishing online (for instance, results from the requests for free access that are being updated at www.spinfo.org.mk). Value for this data is also gained by providing new ways of displaying (for instance, data on the municipal budgets presented through the service www.sledigiparite.mk).

Open data

Republic of Macedonia is part of the international initiative Open Government Partnership,[125] whose name in its official translation in Macedonian – *Otvoreno vladino partnerstvo* – is wrong, thus changing the focus from an open government to a partnership between governments. Through this initiative the member – countries oblige to apply the principles of openness through the application of new technologies, and in practice this usually means promotion and implementation of standards for open data prevalence, i.e. putting data controlled by state institutions available to the public (with the exception of classified and personal data of citizens). The initiative offers opportunities to the CSOs and media to influence this process by addressing the data that are prioritized to be "open up" by applying for it and by monitoring the implementation of the commitments.

E-citizen participation in decision-making

New technologies provide efficient and low-cost opportunities for citizens to participate in decision-making processes that affect their lives. The active citizen participation, which means a constant awareness and influence of citizens on the institutions, is one of the pillars of modern democracy, in contrast to the stance dominating in Macedonia that, except for the day of elections, citizens need to be passive observers of the political processes. The development of mechanisms for citizen participation (e-participation), which is a commitment in the process of approximation of the Macedonian society to the EU, is an approach that allows for minimal cost with maximum impact in a situation

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123 http://unpan3.un.org/egovkb/

124   http://www.metamorphosis.org.mk/mk/vesti/makedonija/2511-konferencija-e-vlast-i-otvoreni-denovi-na-seeita

125 http://www.opengovpartnershiap.org/

where more than half of the population has access to the internet (the exact percentage is unavailable due to the lack of inventory).

In 2008, the Government of Macedonia published the Central Electronic Registry of Regulations in the Republic of Macedonia (www.ENER.gov.mk), as part of the procedures for Regulatory Impact Assessment - RIA. All public bodies are obliged to provide opportunities „to involve concerned parties in the development of regulations on time" by providing comments at the ENER. In 2011 the Government adopted the Code of good practices for participation of the civil society in the process of policy-making, which should be implemented through the Unit for Cooperation with the NGOs at the General Secretariat of the Government (www.nvosorabotka.gov.mk), while through the Decree for Public Consultations it adopted a Code for consultations with the public during the preparation of the regulations and guidelines for the public administration and the business community.[126] In 2012 the Ministry of Information Society and Administration published the portal e-Democracy (www.e-demokratija.mk), whose purpose is increasing of citizen participation, with a similar concept as ENER and with additional functions, such as forum and section with news/blog.

The level of using new technologies to communicate with the authorities is not fully explored and is fertile ground for cooperation between the media and CSOs in all areas. Authorities only partially fulfil formal obligations to publish draft laws and other regulations, such as bylaws and provisions at the abovementioned web-sites. The site of the Parliament (www.sobranie.mk) usually presents all materials related to its sessions (draft-laws, voting results, and transcripts) in a way that is not easily accessible, requiring complicated query without opportunities for interaction.

The research of the municipal web-sites conducted by *Metamorphosis* in 2010 indicated that almost half of them are non-functional or inconsistent.[127] Citizens can communicate with the central government by sending comments at the portal www.uslugi.gov.mk, which should serve as a mediator between them and the institutions. Other web pages with the extension ".gov.mk" offer limited opportunities for communication through feedback forms and e-mail, but unlike in the past there are almost no public forums where citizens can see everything of their interest and what they were answered. Some government agencies use social media (*Facebook, Twitter*), primarily for one-way communication. Political will is the key factor that can be the subject of research by the media and CSOs in this area, which can encourage positive change at that level.

• **E-inclusiveness.** The inclusion, i.e. the opportunities created for involvement of all citizens in the use of the benefits of the information society is an obligation that the state bodies have taken through a series of strategic documents and provisions.[128] This covers a wide range of needs concerning the inclusion of various marginalized or non-minority groups, bridging the digital divide in rural and poor areas through the application of inter-

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126 http://www.vicepremier-ekonomija.gov.mk/?q=node/275

127 http://www.metamorphosis.org.mk/en/publications/doc_details/88----------

128 Among which strategies for e-government, Strategic plan of the Ministry of Information Society and Administration 2012-2014 and the National strategy for e-inclusion 2011-2014.

national standards for accessibility to digital content in preparation of software solutions, up to the translation of content in the languages spoken by the citizens in the country. In 2006 a working group of EU responsible for establishment of an inclusive e-government selected the following categories as a target of intervention in this area:[129]

1.   Families and children under risk, including single parents, violent families, large families;

2.   Young people under risk, including adolescent pregnancies;

3.   Homeless people, substandard housing, frequent relocations;

4.   Unemployment and problems with employment;

5.   Elderly people;

6.   People with disabilities;

7.   Low level of education and training, low level of literacy;

8.   Criminal or illegal behaviour (including former prisoners, drug users, etc.);

9.   Victims of behaviour that causes psychical or mental torture (crimes, domestic violence, etc.);

10.   Ethnic, cultural and linguistic minorities, including foreigners, out of whom not all are oppressed, but e-government systems can increase their isolation;

11.   Geographic problems, areas deprived of opportunities due to poor infrastructure and low socio-economic development;

12.   Problems with health care and needs for long-term care.

• **Cooperation with institutions and their accuracy.** Some inconsistencies in the realization and implementation of digital rights most often occur due to differences in the mismatch between what the legislation provides as a framework and the capacities of institutions working and implementing activities in areas that include digital rights.

For example, the body responsible for the protection of personal data in the Internet field, the Directorate for Personal Data Protection, has insufficient budgetary resources to cover all their necessary expenses. The situation is similar with many other regulatory bodies such as the Commission on Free Access to Public Information, which is reflected in their work. On the other hand, there are multiple regulators in this area that are politicized, which is part of the general problem of politicization of institutions. It greatly compromises the efficient operation of the institutions that are responsible for these areas, such as the Agency for Electronic Communications and the Broadcasting Council. This condition, the politicization, instead of having independent and autonomous institutions, discourages citizens who should be addressing them.

• **Digital rights of children.** The protection of children's rights in the digital sphere refers to all the above areas, but it is separated because of its exceptional importance

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129 See more in Roadmap for Inclusive e-Government in the Western Balkans: Building e-Services Accessible to All (2008) http://www.metamorphosis.org.mk/en/publications/doc_details/44-roadmap-for-inclusive-egovernment-in-the-western-balkans

due to the positive and negative consequences that can arise among this part of the population. In both cases it is essential that sharing of knowledge and skills is of key importance, i.e. education of children, directly or through education of two related target groups: parents/guardians and teachers. It is important to make an additional distinction among "children" that the Macedonian legislation coincides with minors or persons under the age of 18 years. Although all of them, in some ways, use new technologies and are often „native" in the digital sphere,[130] needs of pre-schoolers (up to 6 years), children who go to lower and higher grades of primary school (6-10 and 11-14 years) and high school (over 15 years, overlapping with the category youth) is in many ways dramatically different and require a different approach.

Especially critical are the areas of protection of privacy and security in the digital sphere, because of the vulnerability of children and their opportunities for their exposure to harmful influences and contacts, especially through inappropriate use of social networks, which by definition are intended for older users. For example, Facebook is banned for use by persons under the age of 13 years. Apart from themselves, the data on children can be released from their parents/guardians, intentionally or unintentionally. For example, by posting geo-tagged photos of their children, parents can inadvertently reveal where they live, learn or stay during the day, increasing the risk for them.

The most effective way to include the topics of this area within the state education system is by overcoming the perception that these are "tech" topics, because this perception puts the limitation of optional studying within computer classes. This topic requires an inclusion in curricula and additional education of pedagogues, psychologists and teachers in all subjects, particularly those related to the development of life skills and knowledge of the social system.

A typical source of resources that addresses all three target groups is the website www.bezbednonainternet.org.mk, developed by *Metamorphosis* Foundation through a number of projects in collaboration with the Directorate for Protection of Personal Data and the network of NGOs specialized in children rights. Besides tutorials and news, this website contains multimedia content such as educational movies and games in many languages spoken in Macedonia, because the effective approach to children in many cases requires an application of their native language.

Another aspect of childcare in the digital sphere is a need for greater activity of state institutions, the utilization of opportunities for obtaining additional sources from funds provided by the EU as part of the Digital Agenda for Europe.[131] The media can have an additional positive role in encouraging governments to support such efforts by monitoring the process of fulfilment of commitments and mobilization and expenditure of funds in this area.

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130 Some theorists use the term "digital natives" as part of the concept based on which children who grew up with digital technologies, such as home computer or a mobile phone perceive the world in a different way than their forefathers who first came into contact with ICT at older age.

131 http://ec.europa.eu/digital-agenda/en/creating-better-internet-kids

Priorities in relation to the cooperation between the CSOs working in the area and the media

- **Prevention of hate speech in the digital sphere**

Spreading of hate speech on Internet is directly related to ethnic and partisan polarization of Macedonian society. Media and CSOs working towards the survival of multi-ethnic and multicultural environment in Macedonia can use the common fight against hate speech as a starting point for the development of other initiatives that contribute to social cohesion. On the other hand, they have to make a pressure to institutions to react and punish hate speech spread through digital media.

- **Constant upgrade of media and civil society professionals in the digital sphere**

Digital literacy should become a field of interest both for CSOs and the media, regardless if they are already specialized to cover other areas and issues. It is necessary in the present circumstances where digital technologies are applied and affect all social spheres. In the future this impact will further increase. Therefore, all stakeholders should recognize that continuous learning is necessary, i.e. updating of their knowledge and capabilities in the digital sphere.

Civil society organizations need to increasingly and efficiently use online media and social media to reach out to the media and to the people and teach them to create multimedia content for effective transmission of messages.

On the other hand, journalists should intensively use new digital technologies in their work, both to search for data and create multimedia media products. An example of the use of data available online is the so-called *Data driven journalism*, a name that became popular in 2009/2010, and refers to the journalistic process based on analysis and filtering of large databases (Open data), in order to create a journalistic story.

- **Establishing cooperation between the civil society organizations and the media**

Each year in February, as part of a pan-European movement, the "Safer Internet Day" is marked, which includes many actors from the civil society, government and business sector in the country.[132] Like other, similar, international days, it is an occasion for organizing media events and promotions, but the media have the opportunity and obligation to treat those topics without special occasion or PR boost. Besides investigative journalism, there were instances of direct cooperation in the past between certain CSOs and media in order to increase the visibility of information concerning the rights of children online. Hence, Metamorphosis worked with newspapers "Vreme" and "Nova Makedonija" from 2007 to 2011 (i.e. the weekly supplement for children "Kolibri" , as one of the parties contributed with educational content and the other one with allocation of free space. The first step for creating such partnerships is often just sending of an offer for cooperation by the CSOs to the media.

132 Webpage of „The day of safer internet". Retrieved from: http://www.saferinternet.org/safer-internet-day

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CHAPTER

RECOMMENDATIONS FOR ADVANCING COOPERATION BETWEEN CSOS AND THE MEDIA

III. 1. RECOMMENDATIONS TO THE CIVIL SOCIETY ORGANIZATIONS

• **Training for CSOs for communication with the media and the public.** CSOs should have competent persons that will work on communication with the media. Therefore, it is necessary to offer different training to CSOs, starting from „in-house" training, that will address the specific needs of CSOs, but also other types of training that the CSOs would be able to attend and to understand the basics of communication with the media and public. Several researches showed that CSOs do not use new and social media to spread their messages and to communicate with the public. An additional problem is that many CSOs do not „activate" the capacities of their employees who were previously trained on communication with the media, neither have they transferred the knowledge of their employees within each organization.

Therefore, it is necessary to provide training for representatives of CSOs for improving of knowledge related to writing of press releases, organizing press conferences, development of communication strategies or presentation of their own activities, by using multimedia techniques, new and social media. CSOs should learn to sometimes use a so-called „forceful communication", i.e. instead of revealing the situation and explaining activities and results, in situations when there is a need of mobilization by all social actors, they should raise their voice, suggest and offer solutions. This type of communication is very attractive for the media.

• **CSOs should know the logic of journalists' work.** CSO representatives should understand the way media work and the process of news production. Most often media require attractive information and topics that are newsworthy and are of general interest to the public. Journalists are interested in human interest stories, persons that will tell their story, specific cases in which human rights were violated, much more than statistics and analyses that usually comes from the CSOs. While the CSO's warning that this approach carries a risk of revealing the identity of persons whose rights are protected should be taken into consideration, still, in cooperation with the media and with people they need to find a way to present stories by observing professional and ethical principles. CSOs should explain to the people whose rights they advocate for that their story may help many others who have similar problems, and then to make contact between journalists and „protégés". On the other hand, journalists need to ensure the privacy of interviewees in stories that have sensitive information.

An additional point that CSOs should take into consideration is that journalists and editors are also cautious that the information or topic should not interfere with editorial policy and the interests of media owners, be they political or economic. Therefore, CSO should not only learn how to produce, select and structure the news, but in certain moments they also need to know which story in which media should be placed, which includes knowledge of the audience to the media. In general, they need to know or assume how the audience understands certain issues related to human rights.

A greater understanding on the ways in which journalists work and the manner in which CSOs should adapt their work can be achieved by training, initiation of joint meet-

ings, workshops, debates, involvement of journalists in the training organized by the CSOs, as well as with personal or direct contacts between media representatives and CSOs.

- **CSO representatives as activists on field.** CSO employees should not only be professionals, but also citizen activists on field. Field activities are often more effective tool to attract media attention, instead of only sending monotonous press releases on implemented activities. There is a need of greater initiative and creativity by CSOs to attract media and public attention. As an example only we would present part of the experience of a CSO that shows that the media most often come when there are official or famous persons at the event (politicians, people from the world of entertainment), who can talk about problems or initiate actions. This is only one of the ways in which CSOs promote their work, but also the target groups or the persons whose rights are threatened or violated.

Field activities not always require many financial sources or high expertise for their implementation, especially taking into consideration that famous people usually like to participate at events of humanitarian nature. CSO representatives who are trained to use multimedia contents can record the event and upload simple audio and video materials at the web-page of the organization, but also spread them through social networks.

- **Imposing topics related to human rights.** There is a need of greater initiative and engagement by CSOs in order to open the sensitive topics that are on the margins of the media agenda and for which there is little information and knowledge by citizens. But, CSOs should be constantly "awake" and reveal or point out to cases where human rights are violated. An example of this is the return of Roma at the border crossings, under the pretext that they match the profile of a potential asylum seeker.

CSO should immediately react in cases of human rights violation, discrimination, hate speech, violence motivated by hatred and similar violations of human dignity. These cases should not only be reported in annual reports or for the planned „seasonal" press conferences. The statistics for periodical reports is one thing and continuous alerts and reactions are another. They should continuously keep the attention of media and public. CSOs should not wait for reasons like celebration of Women's Day on 8th of March or the World AIDS Day – 1st of December. CSOs should continuously react and promote their activities during the whole year.

- **Alerts in cases of discrimination and hate speech.** Discrimination and hate speech, as prevalent phenomena in Macedonian society, are transferred through traditional, online and social media. Politicians also occur as carriers and the media - in some cases as carriers of messages without any professional distance, and in other cases their journalists directly use hate speech.

It is necessary to establish a mechanism to send alert and react on sectorial level – between CSOs and the media. In any case of discrimination or hate speech covered in the media, from whatever source, CSOs should immediately alert the media associations and

institutions. Media associations should activate existing mechanisms of self-regulation (such as, for example, Court of Honour at the Association of Journalists of Macedonia) and condemn this speech.

- **Establishment of wider coalitions of CSOs**. The merging of civil society organizations in broad civil fronts is often more efficient way of lobbying, advocacy for a common purpose or for to put a pressure on institutions, rather than the independent performance of CSOs working in one area. Such are the examples of the *Coalition of youth organizations „Sega",* the Coalition *„Sexual and Health Rights of Marginalized Communities"*, then informal coalitions, for example, the joint action of *AJM, MIM, MDC* and *the Independent Union of Journalists and* M*edia workers* in relation to the new media regulation, etc.

In cases when coalitions are organized for a particular cause or initiative, it is preferable to have a joint strategy for media relations, as well as not to forget the activities related to media presence of every organization individually. In this way, it is easier to attract the attention of the media and the public. Additionally, the wider civil front can efficiently influence policy creators as well.

- **Human rights as contents in education.** The low level of awareness for human rights in public, amongst other, is due to the lack of contents related to this area in the formal education system. Some CSOs, such as the *Memorial Centre Nikola Kljusev* or *Multikultura* from Tetovo organize training for students and teachers with a focus on human rights. However, it is emphasized that students should introduce themselves with human rights and mechanisms for their protection from an early age within the formal education system and the contents should be more comprehensive.

CSOs should lobby to the institutions for enriching curricula with contents on human rights. This is one of the objectives which are considered as long-term and there is a need of serious focus, approach and continuity, but they should not be overlooked because of the difficulty to accomplish them. It should not be forgotten that there should be cooperation between the CSO with schools on local level for contents that belongs to informal education or as an extra curricula, both for the teachers and the students. The concept of such an alternative solution for increasing the knowledge on human rights among students should be developed in a creative and interesting way, in order to attract the attention of students who are „trapped" with additional activities anyway.

- **Strengthening of the identity and increasing of visibility among civil society organizations.**

Apparently this recommendation has no direct relationship with the media, but it only seems so. The continuous work on the profiling of CSOs into highly professional, credible and ubiquitous in the field of human rights will make them attractive "partners" for the media. It's a great opportunity to promote the activities and reactions of those organizations in the media and public space.

Some of the ways in which CSOs can build their „image" and present themselves as a credible actor are the frequent activity and demonstration of their own expertise, promotion of information on the ways in which they contribute in the community and a greater exposure of their experts. To this goal they also need assistance from the media that should „recognize" civil society as a relevant and a constructive partner. Despite this, there were and there are still situations when media promote negative stereotypes for the CSOs and neglect their role as partners in the social processes.

- **Use of new digital technologies and media in protection and promotion of human rights.** To avoid the "pitfalls" of political and ethnic polarization of the media, the civil society organizations have the alternative to use online space for their promotion. It is important to accept the fact that digital literacy includes awareness on how new technologies affect the lives of individual citizens, how they can advance or compromise their basic human rights, and how they can enable direct participation in social processes that affect the life of individuals and the life in the community.

CSOs and their members and activists should overcome possible discomforts (technophobia) or the resistance towards issues related to the digital sphere, due to the prejudice that they should have an expert knowledge about computers. It should be kept in mind that the new media assist the process of affirmation and protection of human rights, therefore they should be more intensively used. Digital emancipation and „governance" with technology should become an integral part of the CSO's work. Therefore, CSOs need to keep abreast with new technologies and the opportunities they offer, as well as to train themselves in the area.

III. 2. RECOMMENDATOINS TO THE MEDIA

- **Training for journalists.** Newsrooms often do not have specialized journalists to cover the CSO sector and even less journalists who work in the area of human rights. The rotation of journalists in the newsrooms and their migration in different media is a frequent phenomenon, therefore there is a need of continuous education of young journalists in the complex area of human rights. The level of awareness among journalists should be raised on the importance of the topics related to human rights, to improve their knowledge and understanding in the area. Journalists should be assisted in an easier identification of the cases related to violation of human rights, but also in presenting the story in an ethical and professional manner, by avoiding additional violation of human rights (revealing of identity, violation of the right to presumption of innocence, etc.) Journalists should have in mind that the aspect of human rights is not the leading part and it is often an integral part of the story itself.

Media should pay more attention to additional qualification in the area of human rights, regardless if it is a training inside (transfer of knowledge from senior to younger colleagues, „in-house" training) or if it is outside the newsroom by experts in the area. It is necessary to offer training to journalists beginners and mid-career journalists for improvement of their knowledge related to international standards and national leg-

islation, with the work of the CSO sector, priorities and problems in different areas of human rights, proper terminology, etc. Still, representatives of the CSO sector should get involved in the training and explain the nature and manner of their work. They can also offer stories that journalists rarely cover and have high importance in the community. This training will help journalists to identify and integrate the aspect of human rights in the story.

• **Avoiding of discrimination and hate speech.** It could be often seen that the media, consciously or unconsciously, transfer discriminatory or stereotyping messages when reporting on issues related to ethnic minorities, marginalized or vulnerable groups. Hate speech is becoming a growing problem in the society, both in the traditional and in the new media. When reporting on issues of multi-ethnic or multi-religious character, researchers recommend that journalists should have a critical distance, always be sceptical, not allow themselves to be manipulated by either side and carefully verify all information. The social role of the journalist, besides informing, covers promoting of a dialogue, understanding and tolerance.[133]

By organizing training, workshops and debates intended for journalists, in which CSO's representatives will be also involved, the trends of more frequent appearance of discrimination and hate speech in the media and in the society in general should be addressed. These topics should be topics for debate as well or for articles in the media. Self-regulation mechanisms, within the media themselves or at the level of the profession should be activated when a content including discrimination or hate speech on any ground is included. The observance of the Code of ethics should be an imperative for each journalist, regardless of the political or ethnic polarization of the media community.

• **Investigative journalism.** The extensive area of human rights is rich with ideas and topics that are suitable for research work by journalists. Specialized training and continuous communication with the CSOs can help journalists identify stories, recognize and identify cases of violation of human rights, as well as in the access to documents and sources.

Training for investigative journalism with a focus on human rights, by involving members of CSOs who would present specific cases and examples, will help journalists easily identify topics and face them with new techniques and aspects of the stories.

• **More space in the media for human rights.** Media should allocate more space for topics and issues related to human rights. The media should keep in mind that they, in large part, participate in shaping and raising of public awareness on various issues, including this area. Therefore, media content need to inform and educate, to indicate the violations of human rights, but also present affirmative examples, i.e. the ways in which people from different marginalized groups can contribute to society. They content should not be pushed to the margins of the program, because in this way they reach only a limited part of the audience.

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133 SJPR (2012) Violation of professional standards in the journalistic reporting on violent incidents. Skopje: SJPR. Retrieved from: http://www.unescochair-vs.edu.mk/index.php?option=com_content&view=article&id=98&Itemid=38&lang=mk

Media and journalists can contribute to the public awareness raising and efficient protection of human rights by the institutions of the state through thematic shows on issues related to different aspects of human rights; profound and comprehensive reporting, instead of transmission of press releases and numbers; by identifying specific aspects of the stories related to human rights; identification of examples related to violation of human rights, thus focusing the attention to particular vulnerable groups.

- **Inclusive journalism.** The objective of inclusive journalism is to better understand the „other" communities, cultures, identities, political and social attitudes in the societies in which we live.

The media can make a significant contribution towards articulating the voices of various citizens regardless of their ethnic, racial and religious affiliation, physical or mental abilities, social status, age or gender. This is achieved through responsible journalism which is defined by the *Media Diversity Institute* from London in the following way "fair, accurate, balanced, responsive and inclusive." Inclusiveness means that "media include different voices in any debate on issues that are important to all members of society."[134] In simple terms, inclusive journalism means engaging and reflecting the diversity in different ways - not only within a journalistic story, but also in the newsroom itself, in each journalistic product and in the daily functioning of the media.

Macedonian journalism should still be developed in this direction. In the area of education of journalists in Macedonia, inclusive journalism is still not sufficiently present. Only some of the existing high education institutions for journalism, media or communications (such as the School of Journalism and Public Relations) process this topic as a separate course. The inclusive journalism should be a combination of practice and theoretical modules which develop the student's knowledge and critical understanding of the processes of management and awareness raising on cultural diversity, the key issues in intercultural communication and the various aspects of the sociology of news.

In a multi-ethnic and multi-religious society as ours, diversity should be reflected in the program and in the contents of media products. This can be done in different ways, such as, for example: with a constant search for representatives of marginalized communities and through their involvement in the media contents, by reflecting different groups and viewpoints in the contents of the media products, through the opportunities for translation of the programs in different languages spoken in the country, through contents promoting social cohesion, through the composition of the newsroom, etc.

Training on diversity reporting, manners of overcoming stereotypes towards different groups, use of accurate language and image, etc. should be organized for media workers, including journalists and editors, cameramen and producers continuously.

In the lectures for the students in journalism there should be practically oriented modules included that will enable a comprehensive conceptual and theoretical basis, as

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134 Media Diversity Institute (2009) Inclusive Media for Inclusive Societies. Retrieved from: http://www.euromedalex.org/sites/default/files/MDI%20%20Brochure%20Inclusive%20Journalism.pdf

well as gaining of practical skills. In this way, they will be aware about the meaning of responsible media reporting on diversity as future journalists.

• **Digital literacy.** Digital literacy has to become a field of interest of the media in general and to individual journalists, regardless of their specialization in covering of other areas and issues in the press, on TV or radio. The convergence of media is forcing media outlets themselves to begin to change the technology of work and expand across different platforms. Due to the rapid development of digital technologies and that are applied and influence all social spheres, it becomes a professional necessity for journalists, who would be often required to produce multimedia content (text, audio/video, photography, writing for the web, etc.)

The continuous upgrade of skills should be a pre-condition for the media workers as well. In this regard, the specialization of journalists in the complex field of digital technology is a necessary to upgrade their capacities and knowledge, which should report to the new requirements of the media industry. Journalists of the „new era" should be ready to respond to the new habits of the public, who is increasingly using Internet.

III. 3. RECOMMENDATIONS TO THE CSOs AND THE MEDIA

• **Public awareness campaigns.** CSOs should be continuously present in public not just with reactions, press releases, bulletins, but they should also initiate public awareness campaigns, create events, initiate educational programs for citizens to introduce them with their rights.

CSOs and media should jointly react, lobby and make a pressure to the institutions for promotion and protection of human rights.

• **Mechanisms for joint alerts when human rights are violated.** CSOs and the media should work on developing mechanisms for sending alerts when they identify a case of human rights violation. CSOs should be constantly „awaken" and respond to the media if inappropriate vocabulary is used (hate speech, discrimination, stereotyping, indecent vocabulary ...), then to warn, to open the case or to indicate some worrying trends.

To this goal, CSOs should establish a cooperation with the self-regulatory bodies within the newsroom (if they exist) or with the Court of Honour at the Association of Journalists of Macedonia, to point out to gaps or unprofessionalism in the work of certain media or journalists.

• **Involvement of the expert community in the media sphere.** One of the points of connection and communication between civil society sector and the media are the expert opinions that journalists require from CSOs. However, it must be noted that journalists often consult experts that will support their thesis, without having to include in their reports varied, conflicting opinions, which do not actually promote pluralism of ideas and views. However, journalists note that often representatives of CSOs are not

enough available, do not want to talk about certain topics or, in the worst case, do not want to give statements to certain media.

CSOs should promote their experts who are a relevant source of information, opinion and expertise and also to facilitate media contact through their promotion at the web-pages of the organizations, through their endorsement as interlocutors, etc. In this way, they build their image of a credible organization that can influence institutions and processes.

- **Debate. A good debate.** Media and CSOs should jointly encourage and initiate ongoing debate on the human rights situation in the country. The media should return back the debate shows in their programs and to give an opportunity to the representatives of various groups in the society to express their opinions.

The debate should be inclusive, thus providing the opportunity to different marginalized voices to become visible and to promote pluralism of opinion for the democratic values. In this way, they will enable the audience to get an access to different viewpoints and to be better informed on human rights and the mechanisms for their protection.

- **Joint training according to the lifelong learning principle.** The promotion of human rights and the new technologies as a platform for their affirmation, are only a small part of the topics that may be touching point when it comes to organizing joint training, initiated by CSOs and the media.

Training on journalism which would cover human rights as well could be „strengthened" with the presence of civil society activists that work in the area and who can offer case studies, examples, expertise and other types of information. On the other hand, training intended for CSOs could involve media representatives as well who would explain the process of news production and the logic of media functioning.

CSOs and the media could establish a „coalition" or communication (online) networks for mutual informing, and also for initiation of training on current phenomena and trends in the development of human rights and forms of their protection. Thus, for example, in terms of joint training in specialized fields, such as digital rights and new technologies, there is a potential for cooperation between the media and the CSOs working in the area.

KEY FINDINGS

of the qualitative research on attitudes and perceptions of representatives from CSO's and media on the cooperation in the field of human rights

1.   Brief overview of the research

In the period from February 8 to March 10, 2013 MIM conducted 29 qualitative interviews with representatives of civil society organizations and the media, in order to explore the practices, attitudes and problems in their mutual work, but also to designate mechanisms for intensifying and facilitating communication, especially in the promotion of human rights.

Interviews were conducted with 16 representatives of CSOs working in the field of human rights in the country, who responded to the public call by MIM released in January 2013. When selecting participants for the interviews, an attention was paid to the matter to include CSOs covering various aspects of human rights (civil rights, women's rights, youth, marginalized communities, rights of Roma ...), to provide balance between the representation of experienced and new ones, and to include CSOs operating in Skopje and other Macedonian towns. The following CSOs were included with the research: *Civil - Centre for Freedom*, *Institute for Human Rights* , *ARA - Academic Regional Association*, *LGBT United*, *Open Door - "La Strada"*, *Memorial Centre "Nikola Kljusev"*, *Journalists for Human Rights*, *Open the windows*, *Youth Forum - Bitola*, *Women's Civic Initiative "Klea"* from Bitola, *Women's Organization* from Sveti Nikole, *Local development Agency - Struga*, Roma SOS from Prilep, *Democratic Youth* from Delcevo, *Help Centre for People with Disabilities PORAKA* from Negotino and *Multikultura* from Tetovo.

Additionally, 13 journalists and editors from print and electronic media at national and local level were interviewed. In the selection process, an emphasis was put to the aspect of choosing more influential newspapers (by circulation), because the project provides training for investigative journalism for journalists from print media, and also representatives of several national and local televisions were included. Attention was paid to choose representatives of the media and Albanian language as well. Representatives from the following media were part of the research: Dnevnik, Utrinski vesnik, Nova Makedonija, Koha, Fokus (daily), MTV 1, Sitel TV, Kanal 5 TV, Alfa TV, Diversity Media (online media), TV Koha from Tetovo, TV Vizija from Prilep and Iris TV from Stip.

The findings of this research were a starting point for writing of the White Paper on the priorities and mechanisms for promoting cooperation between civil society organizations and media for effective protection of human rights.

2. Key findings from the interviews with the representatives from the CSOs

1. The most frequent reason for cooperation with the media stated by the representatives of civil society organizations was the informing on the project activities of the organizations, coverage of certain reactions of the civil society organizations, providing of expert opinions on some social events that are at the focus of their work, as well as promotion of the organizations themselves. A small number of interviewees (only three out of 29) consider the cooperation between CSOs and the media as an opportunity for joint lobbying for certain civil initiative, and this is also confirmed in practice - joint "coalition" or association of CSOs and the media is rarely seen in order to put pressure to the institutions and the public.

2. Many CSOs said that they have persons appointed for technical communication with the media (production and sending of a press release, invitation and information to the media related to the work of the CSO), and in terms of appearances in shows, giving statements and interviews for the media this is usually done by the management personnel or persons in charge of the projects. Regardless of this, CSOs' representatives think that there is no sufficient space in the media for their activities and the visibility of CSOs is insufficient.

3. Frequency of publishing information about the CSOs in the media. Interviewees say that it depends on several conditions: from the activities being implemented in a particular moment, personal contacts established with journalists, the attractiveness of the guests as part of the events organized (representatives of institutions, minister, mayors), editorial policy of the media. Part of them point out to the politicization of media and the society in general as an important factor.

4. The interviewed CSO's representatives for the most part believe that the media are mostly interested in sensationalistic topics, life stories and events that would attract the attention of the general public or topics that are currently burning issues for citizens (*„The media are interested only if there is a sensation, i.e. information that offers 'blood'"*). Being aware of this, officials say that they are often not able to identify the person or particular media story, because on the one hand they want to protect members of vulnerable groups and, on the other hand, these people are not ready to go out in public for fear that they would face condemnation from the society. According to some CSOs, the media are more interested in politics *„...rather than in the key problems of the citizens, and in particular the disadvantaged groups*." It is easier for the CSOs to establish cooperation with television (especially those locally and nationally) than with print media which, according to what was said, are more passive unlike electronic media

5. The interviewees differently describe cooperation with the media. Those who have a negative view of that cooperation believe that the media is not interested enough in what CSOs do, that they often run into unprepared and uninformed journalists about specific topics, or that *„Everything comes down to pure information transfer, without any analysis no opportunity for any further cooperation*." Other problems that burden

the cooperation between CSOs and the media reported are the following ones: politicization of media, erroneous interpretation of information in the media, the requirement to pay fee for the information published, the media often promote stereotypes and confirm prejudices towards some communities, such as towards Roma. Other representatives from CSOs are self-critical and feel that the blame for the lack of cooperation with the media should be found on their side and, above all, in terms of the way they approach the media and how they pack the information for the media. The representatives of CSOs who positively described the cooperation with the media stressed that good relations are due to building the capacity for communication with the media and for information placement.

6. Most of the interviewees from the CSOs think that the influence of the civil society sector is very low or insufficient. The reasons, as stated, are that the CSOs work a little towards building their own image („*CSOs did not manage to become a voice of citizens, and it is the political parties that became that*), media do not sufficiently provide space for the topics related to the CSOs and this is mostly a case in the morning shows that reach a small portion of the population („...*influential are only those CSOs that are sufficiently present in the media...“).*

7. In regard to the ways in which the media can help the CSOs in their work and in the increasing of their influence, civil society activists mentioned the following manners: providing more space for topics related to the CSOs; professional and unbiased informing on issues important to citizens; research of the topics raised by the CSOs; building of partner relationship with the CSOs; larger presence at social networks; larger openness to citizens; promotion of mutual cooperation with the CSOs; building capacities for cooperation with the media, but also continuous training of the representatives of the two sectors in order to improve the visibility of the NGO sector.

8. Many of the CSOs interviewed stated that they need training to improve their skills for communicating with the media and on the manners of packing the information for the media („*We need training in terms of how to make our stories more interesting for the media ... web-site is one of the ways in which we promote in the public and that it should be interesting and attract attention of some journalists*...").

9. Several of the interviewed civil society activists and media representatives believe that maintaining of an open, inclusive and ongoing debate is one way to improve the mutual communication for a better promotion of the topics that are essential for citizens and for the promotion of freedom of expression. Interviewed representatives of the CSOs consider that the debate between civil society, media and institutions is rare, it is non-functional, partial and politicized ("I would call it a political debate, which is actually a classical fight, because certain media cover an organization, others cover another organization and they fight among each other").

10. The debate among the media and CSOs can be improved by strengthening the capacity of journalists to cover civic issues, their greater initiative for involvement of

civil society in the informative programs, as well as by promoting cooperation and mutual trust. Part of the interviewees from the CSO sector believes that the media should look at the CSO sector as a good source of information that they could frequently use.

11. Most interviews believe that freedom of expression in the country is currently jeopardized by political influence on the media, which affects the visibility of CSOs. („... *The media have the same direction and the same kind of reporting that is more pro-government ... it affects a lot when it comes to lobbying and advocacy"; „... CSOs exist to be the corrector of the power, to express what they think and share that with the media, thus to reach out to citizens. ... The media should convey information, but they sometimes select information depending on the interests of their owners*," several interviewees say.)

13. The problem of politicization of both CSOs and the media is identified by almost all interviewed participants in the two sectors. At the same time, they are self-critical, but also point out remarks about the politicization of the other sector – CSOs, i.e. the media. The civil society sector has been devalued with the emergence of so-called GONGO which appeared as a voice in support of government policies, in many cases when CSOs tried to give constructive criticism, as emphasized in the Sustainability index of civil society organizations, being implemented by USAID. This is one of the reasons that the media and the CSOs have little confidence in each other. Interviewee from the CSO sector says: „*Media under the umbrella of the government ... they do not want to report about certain CSOs ...*", while a journalist from a newspaper notes: „*...There is a strict division, there are several (CSOs) that communicate with us and the rest contact with others and they are completely closed for us*".

14. Most of the interviewed representatives of the CSOs believe that there is no sufficient knowledge about the human rights in public and in the media. According to them, this is as result of the insufficient informing of citizens, both by the media and the education system. Several interviewees think that the media insufficiently or wrongly treat topics related to human rights („*Human rights are treated only if there are dark topics, if someone is killed, or if they is disrespect on racial, ethnic or other type of background...*")

15. Almost all representatives of the CSOs interviewed believe that the topics related to human rights are underrepresented in the media in comparison to politics. The reasons for this are found in the political influence on the media, editorial policy of the media, reluctance of the media and civil society on human rights in general, as well as lack of representation in human rights education.

16. Most of the interviewees believe that the media should provide more space for information related to human rights, as well as to contribute to the education of citizens and to raise public awareness through professional reporting and appropriate professional readiness of journalists to treat issues of human rights. It was em-

phasized that media should change the approach to issues relating to human rights: *„... the owners of the media should first be aware that issues of human rights are present anywhere in the world to date and they are a basis in the journalism. They should be also explained that treatment of human rights can increase circulation if journalists know how to cover these issues."*

3.   Key findings from the interviews with the media representatives

1.   The most common reason for cooperation with civil society organizations, according to the media representatives, has been promotion of the activities of CSOs, request for expert opinions from them, contacting CSOs when topics of social interest are treated that cause greater public attention and rarely - joint campaigns and actions or production of investigative stories. Only one television editor noted that through cooperation between the media and CSOs *„...institutions will be encouraged to create certain policies..."* and the civil society will be strengthened *„because it is important in this polarized society to give space, to get voice to people who are beyond these political fetters."*

2.   Most of the editors and journalists emphasize that CSO most often send press releases and electronic messages to all the media, which are frequently *„monotonous and are not packed with quality,"* and it rarely happens that the CSOs will address the media to disclose some case, thus causing reactions in public. This opens the issue of the contents of communication between the CSOs and the media, i.e. whether the intensive sending of information in the form of press releases by the CSOs is of benefit to the media and whether the information „packed" in this way by the CSOs can reach the public.

3.   In relation to the frequency of publishing information from CSOs, journalists and editors interviewed were divided in their estimates - some of them said they were often published, some published one information weekly depending on the relevance of the topic and others have said there is insufficient information from the civil society sector. There were a number of conditions mentioned that determine the dynamics of publishing information from the CSOs: dynamic of activities of CSOs and their transparency; attractiveness of information; relevance of information; importance of information for the wider society. Some of the media representatives interviewed said that information from the CSOs are not published because they do not know how to "pack" the information and how to attract a journalist. The media are often "careful" and they can even "miss an information" that comes from the CO, if they know that the CSO is close to a political party. The politicization of the civil society is a problem that is emphasized by almost all interviewed.

4.   Editors are those who decide whether some information from the CSO sector will be published in the newsroom and this depends on several conditions: if the news is in accordance with the editorial policy, if it is interesting, if it is of public interest and concerns many people, if there is enough space in the news. Journalist in a daily

explains how editors make decision on what will be published, based on his experience in several newsrooms: „...*there is a problem that everyone is in some conflict with someone. And I have already forgot whom I can contact with for a statement. Some editor might be in conflict with X, and... I should not ask for an information from him, in another situation (the editor) is in conflict with Y, a third one is in conflict with Z. Even if you get a statement and you try to cooperate you would be boycotted by the editors, the owner...Our hands are tied. And you get: „If there is a report published by them, do not take it into consideration, it is not published."*

5. In terms of practices in newsrooms, it is important to emphasize that there are no journalists who cover civil society and most often the activities of the CSO sector are covered depending on the area. For example, if it is an issue related to family violence, then the news is covered by a journalist from the „black chronicle" section, if it is about issues related to ecology then this is a task of the journalists from the Skopje chronicle section. This is at some points a problem for the journalists themselves, but also for the civil society organizations because they do not know whom to contact in the newsroom if they want to personally get in touch with someone.

6. One of the problems in the practice and in the communication between the CSOs and the media is that most of the interviewed participants from the two sectors emphasize that the two sides most often react when some case is opened in the public, i.e. when some event becomes a current issue. The representatives of the two sectors also make remarks to the others that a consistency is needed and there should not be „trendy" reactions, but the CSOs should be continuously present in the public with actions and activities, expert opinions and reactions and the media should come up with more initiatives and be proactive when it comes to opening of certain issues and their following.

7. The perceptions of those interviewed on the cooperation between civil society organizations and the media were divided into three groups, each with an almost equal number of responses: 1. those who argue that cooperation is "excellent", "correct" or "satisfactory" 2. those who believe that cooperation is correct, but insufficient, and 3. those who are not satisfied with the cooperation with CSOs. Several of those who believe that the cooperation between the media and CSOs is not satisfactory say it is worse now than it was 10 years ago, because: part of the CSOs do not have a good PR or PR staff educated, they fail to find creative ways to break through the media that are full of political news; "passiveness" of the sector compared to the past, politicization of civil society, journalists themselves often do not understand how civil society organizations are important to society.

8. In terms of possible problems in communication between the media and civil society organizations, half of the respondents believe that is „quite open" and „always available for communication " and the other half had more comments about the work and the character of CSOs. However, most of those who think there is no

problem in communicating with CSOs still had suggestions to the CSOs. As an illustration of this, a journalist in newspaper says: „...*CSOs should take more initiative in terms of imposing more topics, instead of just following the topics ... they treat what is socially popular and do not impose relevant topics for discussion. In fact, they react to things that are usually caused by politicians and other social figures*."

9. Other remarks to the civil society sector that the interviewed media professionals make are the following ones: lack of knowledge on the logic of journalistic work, lack of skills for attractive „packaging" of the information (*„monotonous information and unattractive press releases"; „...CSOs should continuously have training on communication with the media and to be able to understand the logic of media work*); they lack transparency and a bigger accuracy in promotion of activities and activists; „passiveness" of the sector (*„they do not have initiative"*); they only inform, do not push the stories forward to their end (same applies to journalists); they do not have a personal communication with journalists. On the other hand, as a kind of a self-critique, journalists think that there is a small space in the media for the CSOs; they admit there are no journalists who could cover the CSOs in a more comprehensive way; they do not have initiatives for research of situations and cases. But, the biggest problem emphasized by the journalists and editors interviewed is the politicization of the media sector (*„the politics has an enormous influence to the editorial policies in the media and this does not leave a space for treatment of the CSO"*) and the CSO sector *(„strict division of party and non-party CSOs"*).

10. Most of those interviewed felt that the image of civil society organizations in recent years in public has been severely devalued because of political interferences in the sector, which disrupted their "credibility" and caused "suspicion and mistrust" in the civil sector. Few believe that in the public there is an opinion that there CSOs still do not do enough for the citizens. Two interviewed, while talking about the perception of CSOs, even mention the phrase "money laundry", where one speaks on the ways in which the CSOs have been perceived in the past and the other one believes that this image still persists. However, some of those interviewed believe that citizens over time will feel that civil society is needed and the CSO will slowly develop into respectable actor in public life.

11. Most of the interviewed consider the impact of CSOs is very small because of the politicization of the media and civil society. Some of those interviewed believe that CSOs have capacity, but no power to initiate a particular action or to influence public opinion (*„Take, for example, the case with AMAN which reached to some point and you see how it ended up"*). Some of the interviewees think that CSOs should be "*more aggressive in bringing of their views, but what they have to say should be really important to society*". Several said that without the support of the media „they *can do nothing if their information is not presented to the public.*"

12. It was stressed that the improvement of the impact of CSOs depends not only on them, but the editorial policy of the media, the political and social situation in gen-

eral, and the support of institutions. Interviewees suggested several ways how CSOs can improve the impact on the public: continuous cooperation with certain journalists who follow the activities of civil society and developing of direct contacts; greater presence in public "*not only in the media, but on field too*"; extensive use of new technologies when disseminating their information, having trained people to communicate with the media, to realize that "*... media need stories ... (about) events , people that may cause concern among the public ... to encourage those people they are working with to be ready to come up with their own story to the public ...*"

13. Most editors and journalists interviewed agree that the debates between representatives of civil society, institutions and media are rare; they are usually organized within a project; there is no regular practice to share ideas and opinions, there is a single/partial guests of stakeholders in the media and there is no duel on the issues; the exchange of opinions often happens at the individual level. Under the influence of politics, the media space is narrowing to civil topics and debate shows vanish from screens, some of the interviewees objected. The debate on social networks is recommended, but it has limited range. In order to advance the debate, reporters and editors believe that the media should initiate more contents in which the civil society will be represented with its issues and there should be debates organized for everyone, "not just for those who think the same". On the other hand, CSOs need to demonstrate greater consistency, transparency and activity towards journalists and the public.

14. Editors and journalists think that the CSO can contribute to their work by first "feeding them" with information, analyses, expertise, relevant research, and then as potential initiators of investigative stories, by recommending people who would speak in the stories or provide relevant material. CSOs should provide the media with a better link with citizens and with their problems.

15. Advancing the freedom of expression should be an imperative in the cooperation between the CSOs and the media, which will be motivated if „*CSOs constantly criticize in public and are totally open without any limitations"*, if both sectors stimulate debate and exchange of opinions for essential problems that should be resolved. Still, the interviewed participants think that it is very important to advance the freedom of expression in the media themselves, journalists should use sources of information which are politically neutral, to use the opportunities offered by the social networks, etc.

16. A general personal perception of most journalists and editors is that there is not enough awareness built of human rights among the public, and citizens are not sufficiently aware of their rights, regardless if it comes to consumer rights, rights in court proceedings, police abuse of power etc. „*The whole story of human rights is completely marginalized in the media,*" a journalist at a daily newspaper said.

17. The reasons for this can be located both in the media and civil society. Topics related to human rights are not sufficiently represented in the media because news is not enough „sensational" („*except in situations of flagrant violations of human rights"*); journalists insufficiently recognize and identify situations of violations of human rights; there is no systematic approach to the treatment of stories that address violations of human rights (trendy and „campaign type" of monitoring of cases, at the level of information transfer); there is no investigative journalism in newsrooms; topics are not treated properly („*Human rights are treated only if there are dark topics in question, if someone killed someon , or if it is about violation of racial, ethnic or other background*...") .

18. Media representatives believe that civil society has to fight with political influences that pose a danger to the general perception that the public has built for CSOs. Journalists complained that often they cannot „*find more than two people who would be talking to a topic"* or that are not familiar with experts from civil society, because some of them are often reluctant to speak publicly. They urged CSOs to constantly monitor the human rights situation and to make pressure on the media to cover these stories. Several of the interviewed journalists and editors locate the reason for the lack of representation of human rights in the media and insufficient openness of institutions.

19. Media, according to most of the interviewed, can help in the promotion of human rights, so that they could have a proactive approach and allocate more space for the topics, information and activities related to human rights. Editor in a television nationwide believes that " it is in the essence of the media" to promote human rights, but that the approach should be analytical and investigative journalism („... *to commit, to discover, to unmask all things relating to violations of human rights* ..."). Besides the need for investigative journalism, concrete suggestions were pointed out such as initiation and encouraging of a debate in the media and promotion of civic activism.

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